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OF THE

C O M M O N W E A L T H

OF

P E N N S Y L V A N I A,

FROM THE FOURTEENTH DAY OF OCTOBER, ONE THOU-
SAND SEVEN HUNDRED.

Republished,

UNDER THE

AUTHORITY OF THE LEGISLATURE.

WITH

NOTES AND REFERENCES.

VOL. IV.

PHILADELPHIA:

PRINTED AND PUBLISHED BY JOHN BIOREN, NO. 88, CHESNUT-STREET.

1810.

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A SUPPLEMENT TO THE ACT,

ENTITLED,

"An act authorizing the Governor to contract with John Bioren, for printing a certain number of copies of the laws of this commonwealth."

WHEREAS it is represented to the legislature by John Bioren, printer of the new edition of the laws of Pennsylvania, that by reason of the great space occupied by the notes, the whole of the laws contemplated to be embraced in four volumes, cannot be included therein without great inconvenience, and rendering the fourth volume unreasonably large. *And whereas* by an alteration of the contract, and introducing into the said work the laws ending with the present session, the public will be considerably benefited; Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That upon the condition that John Bioren shall relinquish any contract for the publication of a fifth volume of the laws of Pennsylvania, provided for by the act of the thirteenth of February, one thousand eight hundred and eleven, John Bioren is hereby authorized to close the fourth volume of the new edition of the laws with the laws of the session of one thousand eight hundred and seven-eight; and that all the laws subsequently passed, and which may be passed during the present session, shall be published and included in a fifth volume, corresponding with the other volumes of the said new edition of the laws; and upon the said fifth volume being approved of as is or shall be required with respect to the former volumes, the said John Bioren shall receive from the commonwealth for the said fifth volume, the sum of two dollars and fifty cents for each copy thereof delivered to the secretary of the commonwealth; not exceeding thirteen hundred and fifty copies.

SECT II. *And be it further enacted by the authority aforesaid,* That the fourth volume shall contain a separate index to the contents thereof, as in the three volumes already delivered; and the fifth volume shall contain the appendix, and general digested index to the whole five volumes; and shall be delivered to the secretary of the commonwealth, in due time, to be distributed with the laws and journals of the present session.

JOHN TODD, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

PRESLY CARR LANE, SPEAKER OF THE SENATE

APPROVED...the seventeenth day of January, one thousand eight hundred and twelve.

SIMON SNYDER.

LAWS

OF

P E N N S Y L V A N I A,

REPEALED, OBSOLETE, AND EXPIRED.

A. D. 1803.

C

- CHAPTER 2302. An act further to prolong the time for erecting a permanent bridge over the river Schuylkill, at Philadelphia: passed 22d January, 1803; recorded in law book No. VIII. page 208; expired.
2306. An act authorizing Hugh Beaty, acting administrator of James Beaty, to convey certain lots adjoining New-Berlin, in Northumberland county: passed 22d January, 1803; recorded in law book No. VIII. page 205; private act; obsolete.
2307. An act to grant James Moore a fractional part of the reserved tract of land, at the mouth of big Beaver creek: passed 22d January, 1803; recorded in law book No. VIII. page 206; private act; obsolete.
2308. An act to dissolve the marriage contract between Alexander Dick and Catharine his wife, late Catharine Wolf: passed 7th February, 1803; recorded in law book No. VIII. page 211; private act; obsolete.
2313. An act to raise by way of lottery, a sum of money to defray the expense of rebuilding a church in the borough of York: passed 7th February, 1803; recorded in law book, No. VIII. page 210; private act; obsolete.
2315. A supplement to the act, entitled "An act to enable the governor of this commonwealth, to incorporate a company to make an artificial road from the city of Philadelphia, through Germantown, to the ten mile stone on Chesnut-hill, and from thence to the new stone bridge over Perkiomen creek, in the county of Montgomery:" passed 7th February, 1803; recorded in law book No. VIII. page 209; obsolete.
2323. An act to authorize and empower the commissioners of the county of Somerset, to sell and convey four certain lots of ground, and for other purposes therein mentioned: passed 21st February, 1803; recorded in law book No. VIII. page 234; local act; obsolete.
2324. An act to provide for filling the vacancy of the office of state-treasurer, occasioned by the death of Jacob Carpenter, esquire: passed 25th February, 1803; recorded in law book No. VIII. page 234; public act; expired.
2327. An act dissolving the marriage between John Alexander and Hannah his wife: passed 25th February, 1803; recorded in law book No. VIII. page 236; private act; obsolete.
2329. A supplement to an act, entitled, "An act to incorporate a company for the purpose of cutting and making a canal between the river Delaware and Chesapeake bay:" passed 28th February, 1803; recorded in law book No. VIII. page 238; expired.
2332. An act to raise by way of lottery, a sum not exceeding five thousand dollars for the purpose of completing the building of the Bustleton academy, in the county of Philadelphia: passed 8th March, 1803: recorded in law book No. VIII. page 241; private act; obsolete.

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A. D.

1803. CHAP. 2336. An act to empower Samuel Miles to sell and convey certain real estate in the same act mentioned, and for other purposes: passed 16th March, 1803; recorded in law book No. IX. page 5; private act; obsolete.
2338. A supplement to the militia law of this commonwealth: passed 21st March, 1803; recorded in law book No. IX. page 9-10; repealed.
2349. An act to authorize the commissioners of Montgomery county and their successors in office, to raise money by toll for paying a part of the expenses of erecting a bridge over Manatawny creek, near Pottsgrove, on the road leading from Philadelphia to Reading: passed 25th March, 1803; recorded in law book No. IX. page 84; obsolete.
2350. An act for the relief of doctor Robert Johnson: passed 25th March, 1803; recorded in law book No. IX. page 88; obsolete.
2351. A supplement to the act, entitled, "An act to empower and direct Ann M'Farren, John Agnew and William M'Clean, administrators of all and singular the goods and chattels, rights and credits, which were of the estate of Amos M'Ginley, deceased, to convey certain lands in Hamilton's bann and Cumberland townships, in York county, to sundry persons to whom the said Amos M'Ginley was a trustee, and to vest the same in the grantees: passed 25th March, 1803; recorded in law book No. IX. page 89; private act; obsolete.
2352. An act for raising by way of lottery, a sum not exceeding ten thousand dollars, for the purpose of discharging the debts owing by the trustees of the German religious society of Roman catholics, of the Holy Trinity church, in the city of Philadelphia, and for providing means to support a school under their patronage: passed 25th March, 1803; recorded in law book No. IX. page 91; private act; obsolete.
2356. An act to enable Martin Hocker, to obtain a title to a lot of land in the township of Paxton, and county of Dauphin: passed 28th March, 1803; recorded in law book No. IX. page 121; obsolete.
2360. A supplement to the act, entitled, "An act for the relief of the estate of Sarah Caldwell:" passed 29th March, 1803; recorded in law book No. IX. page 177; private act; obsolete.
2361. An act enabling certain trustees to sell and dispose of the real estate of David Hayes, a lunatic: passed 30th March, 1803; recorded in law book No. IX. page 178; private act; obsolete.
2364. An act granting to Peter Smith and Elizabeth his wife, the donation land to which Nicholas Ungerman, a soldier in the fourth Pennsylvania regiment, was by law entitled: passed 1st April, 1803; recorded in law book No. IX. page 182; obsolete.
2365. An act to authorize the commissioners of Northumberland county, to sell and convey in fee simple, a certain lot in the borough of Sunbury: passed 1st April, 1803; recorded in law book No. IX. page 184; obsolete.
2366. An act affording compensation to Benjamin Alexander, Thomas M'Millan and others, for ascertaining the centre of Mercer county: passed 1st April, 1803; recorded in law book No. IX. page 184; obsolete.
2368. A further supplement to the act, entitled "An act to establish the judicial courts of this commonwealth:" passed 1st April, 1803; recorded in law book No. IX. page 187; expired.
2369. An act changing the appropriation to improve the road from Turtle creek to Pittsburg: passed 1st April, 1803; recorded in law book No. IX. page 188; obsolete.
2370. An act to provide for reducing and limiting the number of Associate Judges of the courts of common pleas: passed 1st April, 1803; recorded in law book No. IX. page 189; obsolete.
2372. An act authorizing the judges of the court of common pleas of Northampton county, to hold two additional courts annually in the said county: passed 1st April, 1803; recorded in law book No. IX. page 192; expired 1st April, 1806.

A. D.

1803. CHAP. 2373. A supplement to the act, entitled "An act to complete the benevolent intention of the legislature of this commonwealth by distributing the donation lands to all who are entitled thereto : passed 1st April, 1803 ; recorded in law book No. IX. page 192 ; expired.
2374. An act securing to mechanics and others payment for their labour and materials in erecting any house or other building, within the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties : passed 1st April, 1803 ; recorded in law book No. IX. page 193 ; repealed 17th March, 1806.
2375. An act for establishing a health office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases : passed 1st April, 1803 ; recorded in law book No. IX. page 194 ; repealed.
2376. An act to vest in the devisees of James Parrock, deceased, such parts of the forfeited estate of John Parrock, which have not been sold by this commonwealth : passed 2d April, 1803 ; recorded in law book No. IX. page 217 ; obsolete.
2379. An act relating to the claim of this commonwealth, against Elizabeth Sergeant and Esther Waters, surviving executrixes of David Rittenhouse, esquire, deceased : passed 2d April, 1803 ; recorded in law book No. IX. page 221.
2384. An act making certain appropriations, and to enable the governor of this commonwealth, to negotiate certain loans, and for other purposes therein mentioned : passed 4th April, 1803 ; recorded in law book No. IX. page 241 ; obsolete.
1804. 2394. An act to quiet the claim of James Gunn, to the estates, real and personal, of general James Gunn, deceased : passed 7th January, 1804 ; recorded in law book, No. IX. page 271 ; private act ; obsolete.
2395. An act authorizing Elizabeth Shiner, Christian Shiner and John Neyman, administrators of Christophel Shiner, deceased, to convey a certain messuage and tract of land, situate in New-Hanover township, in the county of Montgomery : passed 14th January, 1804 ; recorded in law book No. IX. page 273 ; private act ; obsolete.
2397. An act for the relief of John Loney : passed 14th January, 1804 ; recorded in law book No. IX. page 276 ; see the act of 3d April, 1792 ; vol. IV. page 133 ; obsolete.
2400. An act to dissolve the marriage contract between Samuel Swan and Hannah his wife : passed 20th January, 1804 ; recorded in law book No. IX. page 279 ; private act.
2401. An act in aid of the Northumberland academy in the town and county of Northumberland ; passed 20th January, 1804 ; recorded in law book No. IX. page 280 ; obsolete.
2403. An act for the relief of Alexander Boaticar : passed 30th January, 1804 ; recorded in law book No. IX. page 283 ; private act ; obsolete.
2406. An act dissolving the marriage between Cornelius Burk, and Elizabeth his wife ; passed 30th January, 1804 ; recorded in law book No. IX. page 291 ; private act.
2410. An act to raise by way of lottery, a sum not exceeding eight thousand dollars, for the use and benefit of the minister, wardens and vestry, of the African episcopal church of St. Thomas, in the city of Philadelphia : passed 6th February, 1804 ; recorded in law book No. IX. page 309 ; private act.
2415. An act prohibiting the commissioners of the respective counties of this commonwealth from selling, for a limited time, unseated lands for taxes ; passed 8th February, 1804 ; recorded in law book No. IX. page 328 ; expired.
2420. An act for the relief of George Stevenson ; passed 13th February, 1804 ; recorded in law book No. IX. page 355 ; obsolete.
2425. An act to empower the heirs, executors or administrators to the estate of John Hirst, senior, deceased, to sell and convey a certain lot or piece of ground, with the buildings thereon erected, in the city of Philadelphia ; passed 20th February, 1804 ; recorded in law book No. IX. page 358 ; obsolete.

A. D.

1804. CHAP. 2425. An act authorizing and directing the comptroller and register generals, to adjust and settle a certificate with John Evans, lawful administrator of the estate of Thomas M'Farlane, deceased, in whose name it was issued; passed 27th February, 1804; recorded in law book No. IX. page 360; obsolete.
2436. An act to enable the administrators of Conrad Weiser to sell and make title to certain lots adjoining the town of Selinsgrove, in Northumberland county: passed 5th March, 1804; recorded in law book No. IX. page 416; private act; obsolete.
2440. An act for the relief of Robert Harris: passed 12th March, 1804; recorded in law book No. IX. page 446; private act.
2441. An act authorizing Joseph Potts and Joseph Thomas, administrators of Martha Potts, deceased, to sell and convey a certain messuage and lot of land, in the township of Plymouth, and county of Montgomery: passed 12th March, 1804; recorded in law book No. IX. page 447; private act.
2445. An act to enable Alexander M'Pherson to obtain a title to a lot of land in the township of Sadsbury, and county of Chester: passed 12th March, 1804; recorded in law book No. IX. page 458; private act; obsolete.
2449. An act to raise by way of lottery a sum not exceeding ten thousand dollars, for the use and benefit of the trustees and members of the fourth Presbyterian church in the city of Philadelphia: passed 19th March, 1804; recorded in law book No. IX. page 473; private act.
2452. An act for the relief of Alexander Simonton: passed 19th March, 1804; recorded in law book No. IX. page 475.
2453. An act to provide for the more effectual education of the children of the poor, gratis: passed 19th March, 1804; recorded in law book No. IX. page 476; expired and supplied.
2454. An act to raise, by way of lottery, a sum of money not exceeding two thousand and sixty dollars, to finish and complete two churches in the county of Franklin: passed 19th March, 1804; recorded in law book No. IX. page 747; private act.
2455. An act for the relief of Jacob Walter, the legal representative of Michael Walter, deceased: passed 19th March, 1804; recorded in law book No. IX. page 478; private act; obsolete.
2456. An act to appropriate a sum of money for viewing, marking and opening the road from Tuscarora valley, in Mifflin county, to Sheerman's valley, in Cumberland county: passed 19th March, 1804; recorded in law book No. IX. page 479; obsolete.
2457. An act for the relief of the heirs of captain John Brady, late of Northumberland county, deceased: passed 19th March, 1804; recorded in law book No. IX. page 480; obsolete.
2459. An act to enable Margaret Keith, to sell and convey a certain tract of land in Middletown township, Cumberland county: passed 19th March, 1804; recorded in law book No. IX. page 495; private act.
2464. An act for the relief of the supervisors of Somerset township, in Somerset county, for the year one thousand eight hundred and one: passed 26th March, 1804; recorded in law book No. IX. page 512; local act; obsolete.
2467. An act in confirmation of a partition made of certain lands in Lycoming county: passed 26th March, 1804; recorded in law book No. IX. page 523; private act.
2469. An act for the relief of Elizabeth Febiger: passed 26th March, 1804; recorded in law book No. IX. page 527; obsolete.
2470. An act for the recovery of debts and demands not exceeding one hundred dollars, before a justice of the peace, and for the election of constables, and for other purposes: recorded in law book No. IX. page 528; repealed 20th March, 1810.
2472. An act for granting relief to the heirs of Michael Irick, deceased: passed 29th March, 1804; recorded in law book No. IX. page 553; obsolete.

A. D.

1804. CHAP. 2476. An act to extend and continue an act, entitled "A supplement to the act, entitled an act to complete the benevolent intention of the legislature of this commonwealth by distributing the donation lands to all who are entitled thereto:" passed 29th March, 1804; recorded in law book No. X. page 4; expired.
2477. An act for the relief of Marcus Hulings, junior: passed 29th March, 1804; recorded in law book No. X. page 4.
2480. An act authorizing Jacob Eichelberger and Frederick Shultz to sell and convey a certain lot of land in Heidelburgh township, in the county of York, belonging to the German Lutheran congregation, in and near Hanover, in the said county: passed 2d April, 1804; recorded in law book No. X. page 7; obsolete.
2482. An act to empower Chambers Gaw to sell and convey certain real estate therein mentioned, and for other purposes: passed 2d April, 1804; recorded in law book No. X. page 8; private act.
2484. An act to provide for opening and improving a road through Igoe's narrows, in the county of Huntingdon: passed 2d April, 1804; recorded in law book No. X. page 10; obsolete.
2489. An act for the relief of Nicholas Reem: passed 2d April, 1804; recorded in law book No. X. page 14; private act; obsolete.
2490. An act making compensation to brigade-inspectors for furnishing blank forms: passed 2d April, 1804; recorded in law book No. X. page 15; repealed 9th April, 1807.
2491. An act to provide for the copying a certain ancient book of records in the office of the recorder of deeds in the county of Chester: passed 2d April, 1804; recorded in law book No. X. page 15; obsolete.
2496. A supplement to the act, entitled An act for establishing a health office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases: passed 3d April, 1804; recorded in law book No. X. page 18.
2500. An act to enable James Wallis to obtain a title to a lot of land in the township of Charlestown, and county of Chester: passed 3d April, 1804; recorded in law book No. X. page 23; private act; obsolete.
2502. An act directing the register-general and state treasurer, to exhibit printed statements of their accounts: passed 3d April, 1804; recorded in law book No. X. page 25; repealed 30th March, 1811.
2504. An act to dissolve the marriage contract between Thomas Dewees and Mary his wife: passed 3d April, 1804; recorded in law book No. X. page 26.
2511. An act making appropriations for the expenses and support of government for the year one thousand eight hundred and four, and for other purposes: passed 3d April, 1804; recorded in law book No. X. page 35; repealed 30th March, 1811.
- A. D.
1805.
2517. A supplement to an act, entitled "An act to raise, by way of lottery, a sum not exceeding eight thousand dollars, for the use and benefit of the minister, wardens and vestry, of the African Episcopal church of St. Thomas, in the city of Philadelphia:" passed 8th January, 1805; recorded in law book No. X. page 48; obsolete.
2520. An act to enable Isaac Johnson and Elizabeth Sprogel, guardians of Elizabeth Sprogel the younger, and Ann Sprogel, minors, to sell and convey certain real estate: passed 1st February, 1805; recorded in law book No. X. page 52; private act.
2522. An act authorizing the governor to employ counsel to attend to the interests of this state, in certain suits pending in the supreme court of the United States: passed 1st February, 1805; recorded in law book No. X. page 54; obsolete.
2523. An act to raise, by way of lottery, a sum of money not exceeding fifteen hundred dollars, to assist in defraying the expenses of erecting Zion church, and two school houses, in the town of Womelsdorf, and county of Berks: passed 1st February, 1805; recorded in law book No. X. page 55; private act.
2524. An act granting a sum of money to the trustees of Norristown academy: passed 11th February, 1805; recorded in law book No. X. page 55; obsolete.

A. D.

1805. CHAP. 2525. An act to raise by way of lottery, a sum not exceeding three thousand dollars, for the use and benefit of the Union Academy at Doyltown, in the county of Bucks: passed 11th February, 1805; recorded in law book No. X. page 56; private act.
2527. An act to raise by way of lottery, a sum not exceeding three thousand dollars, to defray the expenses of building a church in the town of Somerset: passed 11th February, 1805; recorded in law book No. X. page 57.
2529. An act extending the act, entitled, An act for the relief of divers inhabitants of the county of Adams: passed 18th February, 1805; recorded in law book No. X. page 52; private act; expired.
2530. An act investing in the devisees of John Meredith, deceased, such parts of the forfeited estate of the said John Meredith as have not been sold by this commonwealth: passed 18th February, 1805; recorded in law book No. X. page 59; obsolete.
2532. An act for the relief of Frederick Støver: passed 18th February, 1805; recorded in law book No. X. page 61; obsolete.
2535. An act for raising, by way of lottery, the sum of twenty thousand dollars, for removing the obstructions and improving the navigation of the river Susquehanna, and certain branches thereof: passed 18th February, 1805; recorded in law book No. X. page 64.
2536. An act to enable Elizabeth Travis, widow, and administratrix of all and singular the goods and chattels, rights and credits of John Travis, late of the city of Philadelphia, merchant, deceased, to execute the trusts of a certain deed therein mentioned: passed 18th February, 1805; recorded in law book No. X. page 67; private act.
2539. An act vesting in the heirs of Leonard Stoneburner, a title to a certain tract of land: passed 2d March, 1805; recorded in law book No. X. page 74; private act.
2542. An act for the relief of John Hughes: passed 2d March, 1805; recorded in law book No. X. page 79; obsolete.
2544. An act for the relief of Robina Dunlap: passed 2d March, 1805; recorded in law book No. X. page 80; obsolete.
2546. An act dissolving the marriage of Thomas Adkinson and Rebecca his wife: passed 2d March, 1805; recorded in law book No. X. pa. 83.
2552. An act for the relief of John M'Elnay: passed 14th March, 1805; recorded in law book No. X. page 100; private act; obsolete.
2553. An act to raise, by way of lottery, a sum of money, for the benefit of Pennepack school: passed 14th March, 1805; recorded in law book No. X. page 101; private act.
2554. An act for the relief of Andrew Boyd, former treasurer of Chester county: passed 14th March, 1805; recorded in law book No. X. page 102; private act; obsolete.
2559. An act extending the time heretofore allowed to Marcus Hulings to erect a bridge over French creek: passed 25th March, 1805; recorded in law book No. X. page 108; expired.
2562. An act to empower John Keen, guardian of Esther Thomas, an infant, to sell and convey real estate belonging to the said infant: passed 25th March, 1805; recorded in law book No. X. page 112; private act.
2564. An act to raise by way of lottery, a sum of money to defray the expense of building a Presbyterian church in the village of Maytown, in the county of Lancaster: passed 25th March, 1805; recorded in law book No. X. page 117.
2567. An act for the relief of John Chandler: passed 25th March, 1805; recorded in law book No. X. page 130; private act; obsolete.
2574. An act authorizing the court of quarter-sessions of Chester county to direct a review of that part of the state road leading from Philadelphia to the borough of York, which lies between West-Chester and the line dividing Chester and Lancaster counties: passed 29th March, 1805; recorded in law book No. X. pa. 138; obsolete.
2576. An act to appropriate a sum of money for improving the road from Pittsburgh to the borough of Beaver: passed 29th March, 1805; recorded in law book No. X. page 140; local act; obsolete.

A. D.

1805. CHAP. 2580. An act granting arrearages of state taxes yet due from York county to the directors of the poor: passed 1st April, 1805; recorded in law book No. X. page 155; local act; obsolete.
2582. An act for the relief of the supervisors of Waterford township, in the county of Erie, for the year one thousand eight hundred and two: passed 1st April, 1805; recorded in law book No. X. page 156; local act; obsolete.
2583. A supplement to an act, entitled "An act to provide for the erection of a house for the employment and support of the poor in the county of York: passed 1st April, 1805; recorded in law book No. X. page 157; obsolete.
2595. A further supplement to an act, entitled, "An act for the regulation of the militia of the commonwealth of Pennsylvania:" passed 4th April, 1805; recorded in law book No. X. page 177; repealed 9th April, 1807.
2596. An act granting to Thomas Price a lot of donation land: passed 4th April, 1805; recorded in law book No. X. page 183; obsolete.
2597. An act to afford relief to the academy of Easton, in Northampton county: passed 4th April, 1805; recorded in law book No. X. page 183; local act; obsolete.
2598. An act authorizing the appointment of commissioners to fix upon a proper site for the seat of justice in Clearfield county: passed 4th April, 1805; recorded in law book No. X. page 184; obsolete.
2601. An act authorizing the governor to subscribe for a certain number of copies of a digest of the laws of this commonwealth in the German language: passed 4th April, 1805; recorded in law book No. X. page 189; obsolete.
2602. A supplement to the act, entitled, "An act to raise and collect county rates and levies:" passed 4th April, 1805; recorded in law book No. X. page 190; repealed and supplied 28th March, 1808.
2603. An act making an appropriation for the building of a bridge in Somerset county: passed 4th April, 1805; recorded in law book No. X. page 191; obsolete.
2604. An act authorizing the holding of additional courts in Berks county: passed 4th April, 1805; recorded in law book No. X. page 191; expired.
2606. An act concerning the reputed manor of Springetsbury, in the county of York: passed 4th April, 1805; recorded in law book No. X. page 193; obsolete.
2607. An act for the more effectual and speedy recovery of the debt due from the late John Nicholson to this commonwealth: passed 4th April, 1805; recorded in law book No. X. page 193; obsolete.
2610. An act authorizing the governor to appoint commissioners for the purpose of laying out a state road from Blair's gap, in Huntingdon county, to the western boundary of this state, at or near the place where said boundary line crosses the Mahoning branch of Big Beaver creek, in Mercer county: passed 4th April, 1805; recorded in law book No. X. page 196; obsolete.
2613. An act to raise by way of lottery a sum of money to extinguish the debts due on the erecting a house of public worship, for the use of the second Baptist church of Philadelphia, established in the Northern Liberties, in the county of Philadelphia: passed 14th December, 1805; recorded in law book No. X. page 204; private act.
2614. An act to raise by way of lottery a sum not exceeding six thousand dollars, to defray the expenses of erecting a suitable building for English worship and for an English school-house, in the borough of Reading, in the county of Berks: passed 21st December, 1805; recorded in law book No. X. page 205; private act.
2615. An act to raise by way of lottery a sum of money to defray the expense of finishing a church in the town of Anville in the county of Dauphin: passed 21st December, 1805; recorded in law book No. X. page 206; private act.

A. D.

1806. CHAP. 2616. An act for the relief of Arthur St. Clair : passed 9th January, 1806 ; recorded in law book No. X. page 207 ; obsolete.
2620. An act authorizing John Biddis to vend his patent rights for manufacturing potatoe-starch, sago and hair-powder, and for opening or reducing offcast woollen clothing to wool : passed 20th January, 1806 ; recorded in law book No. X. page 209 ; expired.
2624. An act to authorize James McFarlane, David Bowen, junior, and David Bowen of Samuel, of Montgomery township, Franklin county, to make partition of the real estate of Jacob John, deceased, among the devisees of the said Jacob John, and their descendants ; passed 27th January, 1806 ; recorded in law book No. X. : page 212 ; private act.
2625. An act enabling certain trustees to sell and convey the real estate of Enoch Griffith, a lunatic : passed 27th January, 1806 ; recorded in law book No. X. page 213 ; private act.
2626. An act to enable James McComb to sell and convey a certain tract of land in Armstrong township, Indiana county, the property of William Dean, a minor : passed 27th January, 1806 ; recorded in law book No. X. page 214 ; private act.
2627. An act for raising by way of lottery the sum of twenty thousand dollars, for the purpose of discharging the debts of the Bustleton and Smithfield turnpike company : passed 3d February, 1806 ; recorded in law book No. X. page 215 ;
2630. An act dissolving the marriage of Jacob Sell and Eve his wife : passed 8th February, 1806 ; recorded in law book No. X. page 219.
2631. An act authorizing the president, adjuntas and members of the Hebrew congregation, of the city of Philadelphia, to raise by way of lottery a sum of money for the repairs of their synagogue and burial place, and for other purposes of relief : passed 8th February 1806 ; recorded in law book No. X. page 220.
2632. An act to empower William Pennell, guardian of Matthias Richards Sayres, and Edward Smith Sayres, to sell and convey real estate belonging to the said minors : passed 8th February, 1806 ; recorded in law book No. X. page 221 ; private act.
2633. An act for the further relief of Edmund Milne : passed 17th February, 1806 ; recorded in law book No. X. page 222 ; private act.
2638. An act for the relief of the heirs of John Jacob Hirleman, deceased : passed 24th February, 1806 ; recorded in law book No. X. page 246 ; private act.
2640. An act for the relief of James Ash, esq. formerly sheriff of the city and county of Philadelphia : passed 24th February, 1806 ; recorded in law book No. X. page 248 ; private act ; obsolete.
2641. An act for the relief of John Lewis : passed 24th February, 1806 ; recorded in law book No. X. page 249 ; private act ; obsolete.
2644. An act supplementary to the act, entitled " an act to alter the judiciary system of this commonwealth : " passed 1st March, 1806 ; recorded in law book No. X. page 250 ; obsolete.
2650. A supplement to the act, entitled, " an act to enable the governor of this commonwealth, to incorporate a company for opening a canal and lock navigation, between the rivers Schuylkill and Susquehanna by the waters of Tulpehocken, Quittapahilla and Swatara, in the counties of Berks and Dauphin : " passed 1st March, 1806 ; recorded in law book No. X. page 262 ; repealed 2d April, 1811.
2652. An act for extending an act, entitled " an act regulating and continuing the distribution of donation lands ; " passed 10th March, 1806 ; recorded in law book No. X. page 265 ; expired.
2655. An act for the relief of Joseph Robert Eustache Bunel ; passed 10th March, 1806 ; recorded in law book No. X. page 272 ; private act.
2657. An act granting a sum of money to the Meadville seminary, in the county of Crawford : passed 10th March, 1806 ; recorded in law book No. X. page 279 ; obsolete.

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1806. CHAP. 2658. An act in aid of the company, for erecting a bridge over the river Delaware at the borough of Easton : passed 10th March, 1806 ; recorded in law book No. X. page 279 ; obsolete.
2660. An act to authorize the sale of the real estate of Andrew Moore, a lunatic, and for other purposes therein mentioned ; passed 17th March, 1806 ; recorded in law book No. X. page 299 ; private act.
2662. An act for the relief of John Welch : passed 17th March, 1806 ; recorded in law book No. X. page 290 ; obsolete.
2664. A supplement to the act, entitled " An act to enable the governor of this commonwealth, to incorporate a company for opening a canal and water-communication, between the rivers Delaware and Schuylkill, and for other purposes therein mentioned : " passed 17th March, 1806 ; recorded in law book No. X. page 302 ; repealed 2d April, 1811.
2668. A supplement to the act, entitled " An act to enable the governor to incorporate a company, for making an artificial road by the best and nearest route from the borough of Sunbury, in the county of Northumberland, to the borough of Reading, in the county of Berks : " passed 17th March, 1806 ; recorded in law book No. X. page 305 ; obsolete.
2669. An act authorizing the governor to contract with John Bioren, to print the laws of this commonwealth : passed 17th March, 1806 ; recorded in law book No. X. page 306 ; obsolete.
2672. An act for the relief of Daniel Welker : passed 17th March, 1806 ; recorded in law book No. X. page 325 ; obsolete.
2677. An act for the relief of Daniel Sharp : passed 21st March, 1806 ; recorded in law book No. X. page 333 ; private act.
2679. An act to regulate the proceedings on certiorari, and for other purposes : passed 21st March, 1806 ; recorded in law book No. X. page 334 ; repealed 20th March, 1810.
2683. An act to enable John Philip de Gruchy and John Boyd, guardians of Jane Humphreys, a minor, to make partition on her behalf of lands belonging to her and others, as tenants in common : passed 21st March, 1806 ; recorded in law book No. X. page 339 ; private act.
2685. An act to empower William Flintham, father of John Flintham, a minor, to sell and convey real estate, belonging to the said minor : passed 21st March, 1806 ; recorded in law book No. X. page 341 ; private act.
2692. An act for the relief of non-resident owners of lands in Sugar creek township, Venango county : passed 28th March, 1806 ; recorded in law book No. X. page 373 ; obsolete.
2693. An act to enable James Lloyd, jun. of Boston, to sell and convey one moiety of a messuage and lot of ground, therein described : passed 28th March, 1806 ; recorded in law book No. X. page 374 ; private act.
2697. An act for the relief of John Cummins and William Cooper : passed 28th March, 1806 ; recorded in law book No. X. page 378 ; obsolete.
2700. An act to enable Amos Jourdan and Sophia Jourdan, executors, named in the will of John Jourdan, deceased, to convey a certain house and lot of ground, in Miller's-town, Greenwood township, Cumberland county : passed 28th March, 1806 ; recorded in law book No. X. page 380 ; private act.
2702. An act for the relief of George Vance : passed 28th March, 1806 ; recorded in law book No. X. page 386 ; obsolete.
2703. An act to grant Samuel Plummer the pre-emption right to a certain lot in the town of Franklin : passed 28th March, 1806 ; recorded in law book No. X. page 387 ; private act.
2704. An act to continue in force for a limited time the first section of the act, entitled " An act for ascertaining the right of this state to certain lands lying north and west of the river Ohio, and Allegheny and Conewango creek : " passed 28th March, 1806 ; recorded in law book No. X. page 387 ; expired.

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1806. CHAP. 2705. An act making an appropriation for improving the road leading from near the Bald Eagle's Nest, in Centre county, to the river Allegheny, in Venango county, and a road in Greene county : passed 28th March, 1806 ; recorded in law book No. X. page 388 ; obsolete.
2706. An act for the relief of Henry Dougherty, jun. : passed 28th March, 1806 ; recorded in law book No. X. page 389.
2707. An act granting fifteen hundred dollars to the commissioners of Venango county, for the purpose of erecting public buildings for the use of said county : passed 28th March, 1806 ; recorded in law book No. X. page 390 ; obsolete.
2708. An act to extinguish the lien of the commonwealth, on certain specific parts of the estate of the late John Nicholson, in favour of Thomas Ryerson : passed 28th March, 1806 ; recorded in law book No. X. page 390 ; obsolete.
2710. A supplement to an act, entitled " An act for raising by way of lottery, the sum of twenty thousand dollars, for removing the obstructions and improving the navigation of the river Susquehanna, and certain branches thereof : " passed 31st March, 1806 ; recorded in law book No. X. page 392 ; obsolete.
2711. An act for the relief of Rudolph Spangler : passed 31st March, 1806 ; recorded in law book No. X. page 393 ; private act ; obsolete.
2712. An act to appropriate a sum of money for the purpose of opening and improving a public road between Somerset and Washington, on the Laurel Hill : passed 31st March, 1806 ; recorded in law book No. X. page 394 ; obsolete.
2716. An act making appropriation for the improvement of certain roads : passed 31st March, 1806 ; recorded in law book No. X. page 401 ; obsolete.
2719. An act to raise by way of lottery, the sum of seven thousand dollars, to enable the company for the purpose of promoting the cultivation of vines to pay their debts, and accomplish the object of their association, and two thousand dollars for erecting a school-house near Summery town, in Montgomery county : passed 31st March, 1806 ; recorded in law book No. X. page 405.
1807. 2722. An act for the relief of John Hart : passed 12th January, 1807 ; recorded in law book No. X. page 413 ; private act.
2723. An act to enable Nicholas Swope, administrator of Joseph Devoss, deceased, to convey a part of a tract of land to Jacob Hough, assignee of John Devoss : passed 12th January, 1807 ; recorded in law book No. X. page 214 ; private act.
2724. An act to enable Peter W. Gallaudet of the state of Connecticut to sell and convey one moiety of a certain plantation, messuage and lot of ground therein described : passed 12th January, 1807 ; recorded in law book No. X. page 415 ; private act.
2725. An act authorizing the commissioners of Indiana county, to levy and collect county taxes in the county of Jefferson : passed 12th January, 1807 ; recorded in law book No. X. page 415 ; obsolete.
2729. An act to authorize Jonathan Hill and Elizabeth Thatcher, executors to the estate of Daniel Hill, deceased, to convey a certain piece of land therein mentioned : passed 26th January, 1807 ; recorded in law book No. X. page 419 ; private act.
2730. An act to enable the administrators of the estate of James Carmichael, deceased, to complete the title to certain lands sold by their intestate by certain articles of agreement : passed 26th January, 1807 ; recorded in law book No. X. page 419 ; private act.
2731. An act further extending the act, entitled " An act for the relief of divers inhabitants of the county of Adams : " passed 26th January, 1807 ; recorded in law book No. X. page 420 ; expired.
2732. A supplement to the act, entitled " An act to provide for the erection of a house for the employment and support of the poor in Montgomery county : passed 26th January, 1807 ; recorded in law book No. X. page 421 ; obsolete.

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1807. CHAP. 2738. An act authorizing certain trustees to sell and convey a plantation, or tract of land, in Chester county, being the joint property of the Anna-Baptist congregation, in Vincent township, and the congregation of St. Peter's church, in Tredyffrin township: passed 10th February, 1807; recorded in law book No. X. page 429; private act.
2739. An act for the relief of James Mitchell: passed 10th February, 1807; recorded in law book No. X. page 430; obsolete.
- ✓ 2740. An act for the relief of divers purchasers of the confiscated estate of Harry Gordon, who were evicted from the same: passed 10th February, 1807; recorded in law book No. X. page 431; obsolete.
2741. An act aiding the commissioners of Beaver county to procure water in the borough of Beaver: passed 10th February, 1807; recorded in law book No. X. page 431; obsolete.
2742. An act authorizing the commissioners of Bedford and Indiana counties, to levy and collect county taxes for the years one thousand eight hundred seven and eight: passed 10th February, 1807; recorded in law book No. X. page 433; obsolete.
2743. A further supplement to the act entitled "An act to provide for the erection of a house for the employment and support of the poor in the county of York: passed 10th February, 1807; recorded in law book No. X. page 434; obsolete.
2744. An act for the relief of Isaac Ely: passed 10th February, 1807; recorded in law book No. X. page 434; obsolete.
2745. An act authorizing the secretary of the commonwealth to procure an additional number of copies of Carey and Bioren's edition of the laws, with Bioren's continuation: passed 10th February, 1807; recorded in law book No. X. page 435; obsolete.
2746. An act enabling Anna Maria Hanke, the wife of Matthew Hanke, late Anna Maria Eyerly, widow and relict of Jacob Eyerly, junior, late of Nazareth in the county of Northampton, deceased, and administratrix *de bonis non* of the said Jacob Eyerly, junior, with the will annexed, to convey certain lands therein mentioned: passed 4th March, 1807; recorded in law book No. X. page 435; private act.
2747. An act for the relief of Abraham Griffiths: passed 4th March, 1807; recorded in law book No. X. page 437; obsolete.
2748. An act for the relief of Doctor Samuel Edmiston: passed 4th March, 1807; recorded in law book No. X. page 438; obsolete.
2751. An act for the relief of Andrew Patterson: passed 4th March, 1807; recorded in law book No. X. page 440.
2752. An act to enable Jonathan Mifflin to convey a part of a certain tract of land therein mentioned: passed 4th March, 1807; recorded in law book No. X. page 440; private act.
2753. An act for the relief of James Ralston: passed 4th March, 1807; recorded in law book No. X. page 441; obsolete.
2754. An act for the relief of William Sherrard: passed 4th March, 1807; recorded in law book No. X. page 442; private act; obsolete.
2756. An act to raise by way of lottery, sundry sums of money for the purposes therein mentioned: passed 4th March, 1807; recorded in law book No. X. page 444.
2757. A supplement to an act entitled "An act to enable the governor of this commonwealth to incorporate a company for opening a canal and lock navigation between the rivers Schuylkill and Susquehanna, by the waters of Tulpehocken, Quittapahilla and Swatara, in the counties of Berks and Dauphin:" passed 4th March, 1807; recorded in law book No. X. page 448; repealed 2d April, 1811.
2761. A supplement to the act entitled "An act to provide for the erection of a house for the employment and support of the poor in the county of Dauphin:" passed 4th March, 1807; recorded in law book No. X. page 452; obsolete.
2762. An act granting to Joseph Salmon a tract of donation land, in remuneration for his services and sufferings during the revolutionary war: passed 4th March, 1807; recorded in law book No. X. page 452; obsolete.

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1807. CHAP. 2764. An act to enable Abraham Reist and Jacob Hostettler to sell and convey a certain lot of ground therein mentioned: passed 4th March, 1807; recorded in law book No. X. page 453; private act.
2767. An act granting a sum of money to the trustees of the Reading academy for the use of the said academy: passed 11th March, 1807; recorded in law book No. X. page 461; obsolete.
2768. An act to enable Thomas Alleson and Samuel Agnew to sell and convey certain lands therein mentioned: passed 11th March, 1807; recorded in law book No. X. page 461; private act.
2769. An act to enable James Maris and Samuel Davis, administrators to the estate of Thomas West, deceased, to sell and convey certain real estate therein mentioned: passed 11th March, 1807; recorded in law book No. X. page 462; private act.
2771. An act for the relief of James Smith: passed 11th March, 1807; recorded in law book No. X. page 467; obsolete.
2772. An act granting two thousand dollars to the commissioners of Erie county for the purpose of erecting public buildings for the use of said county: passed 16th March, 1807; recorded in law book No. X. page 468; obsolete.
2777. An act granting to the trustees of the University of Pennsylvania, a sum of money for the purpose of enabling them to establish a Botanical Garden: passed 19th March, 1807; recorded in law book No. X. page 478; obsolete.
2779. An act to enable Sarah Morgan, administratrix, and Jonathan Morgan, administrator to the estate of Isaac Morgan deceased, to convey a tract of land in Charlestown township, Chester county: passed 19th March, 1807; recorded in law book No. X. page 480; private act.
2782. An act for the relief of Bernard Hubley, of the county of Northumberland: passed 24th March, 1807; recorded in law book No. X. page 483; obsolete.
2786. A supplement to an act, entitled, "An act making an appropriation for the building of a bridge in Somerset county:" passed 31st March, 1807; recorded in law book No. X. page 487; obsolete.
2787. An act granting George Huber and Michael Zeller a tract of donation land: passed 31st March, 1807; recorded in law book No. X. page 488; obsolete.
2788. An act to provide for the enumeration of the taxable inhabitants and slaves within this commonwealth: passed 31st March, 1807; recorded in law book No. X. page 488; obsolete.
2789. An act making appropriations for improving the road leading from Milesburgh in Centre county, to Waterford in Erie county: passed 31st March, 1807; recorded in law book No. X. page 490; obsolete.
2790. A supplement to an act, entitled, An act authorizing the governor to incorporate a company for making an artificial road from the bank of the river Susquehanna opposite the borough of Harrisburgh to Pittsburgh: passed 31st March, 1807; recorded in law book No. X. page 491; repealed, (see act of 2d April, 1811.)
2792. An act to raise by way of lottery, a sum of money for the purpose of improving the navigation of Penn's creek, in Northumberland county: passed 31st March, 1807; recorded in law book No. X. page 506.
2795. An act to raise by way of lottery, a sum of money to defray the expenses incurred by the trustees of the German Lutheran congregation, in and near the borough of Lancaster: passed 4th April, 1807; recorded in law book No. X. page 508; obsolete.
2800. An act to enable Henry Hawkins, guardian of Maria Bicker, to sell certain real estate belonging to the said Maria: passed 4th April, 1807; recorded in law book No. X. page 513; private act.
2801. An act to enable Samuel Jackson of Allegheny county to sell and convey certain land therein mentioned: passed 4th April, 1807; recorded in law book No. X. page 514; private act.

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1807. CHAP. 2803. An act to enable Edward Tilghman, junior, in behalf of his wife Rebecca Tilghman, and the guardians of Ann Waln, Rebecca Wharton and Susan Wharton, minors, to make partition of certain lands belonging to them and others, as tenants in common: passed 4th April, 1807; recorded in law book No. X. page 515; private act.
2806. An act for the relief of John Rybecker: passed 4th April, 1807; recorded in law book No. X. page 519.
2807. An act to authorize the sale and conveyance of the real estate of Philip Nicklin, by his surviving partner and legal representatives: passed 4th April, 1807; recorded in law book No. X. page 519; private act.
2808. An act to annul the marriage of James Isaac Thomas Marshall, and Martha Marshall: passed 4th April, 1807; recorded in law book No. X. page 521; private act.
2809. An act to confirm to George Bilger a title to a certain lot of land in the county of Montgomery: passed 7th April, 1807; recorded in law book No. XI. page 1; private act.
2811. An act granting Jacob Bottimore a tract of donation land: passed 7th April, 1807; recorded in law book No. XI. page 14; obsolete.
2812. An act for the relief of Edward Chisselden: passed 7th April, 1807; recorded in law book No. XI. page 14; obsolete.
2817. An act granting a tract of donation land to the heirs of John Allen: passed 7th April, 1807; recorded in law book No. XI. page 20.
2819. An act enjoining certain duties on the judges of the supreme court: passed 7th April, 1807; recorded in law book No. XI. page 21; obsolete.
2821. An act to enable John Edgar and John Galloway to convey certain town lots in the town of Mountpleasant: passed 7th April, 1807; recorded in law book No. XI. page 22; private act.
2822. An act making an appropriation for improving the navigation of Le Beouff and French Creek, from Waterford to the south line of Erie county: passed 7th April, 1807; recorded in law book No. XI. page 23; obsolete.
2823. An act appropriating a sum of money for laying out and opening a state road from Logan's narrows, in the county of Huntingdon, to the state road leading to Presque-Isle: passed 7th April, 1807; recorded in law book No. XI. page 24; obsolete.
2830. A supplement to, and making perpetual, an act, entitled "An act for the recovery of debts and demands not exceeding one hundred dollars before a justice of the peace, and for the election of constables, and for other purposes:" passed 9th April, 1807; recorded in law book No. XI. page 33; repealed 20th March, 1810.
2831. An act to raise by way of lottery a sum of money, to defray the expenses incurred by the trustees of the Lutheran congregation, in and near the village of Strasburgh, in the county of Lancaster: passed 9th April, 1807; recorded in law book No. XI. page 37; obsolete.
2835. An act for extending an act, entitled "An act regulating and continuing the distribution of donation lands;" passed 9th April, 1807; recorded in law book No. XI. page 41; expired.
2836. A further supplement to the act, entitled "An act for the regulation of the militia of the commonwealth of Pennsylvania:" passed 9th April, 1807; recorded in law book No. XI. page 41; obsolete.
2838. An act to raise by way of lottery, a sum of money to defray the expense of completing a church in Stoystown, and for building a bridge over the Quemahoning creek, on the road leading from Stoystown to Ebensburg: passed 9th April, 1807; recorded in law book No. XI. page 44.
2844. An act authorizing the commissioners of Delaware county to lay a tax on dogs: passed 10th April, 1807; recorded in law book No. XI. page 88; repealed 23d March, 1809; supplied.
2847. An act for the relief of the representatives of John Fromberger, deceased: passed 10th April, 1807; recorded in law book No. XI. page 94; obsolete.

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1807. CHAP. 2843. An act to raise by way of lottery a sum of money to enable the trustees of the Protestant Episcopal congregation of the borough of Lancaster, to repair their steeple and house of worship: passed 10th April, 1807; recorded in law book No. XI. page 94.
2850. An act for the relief of Charles Thompson: passed 10th April, 1807; recorded in law book No. XI. page 100; obsolete.
2854. An act for the relief of the supervisors of Cambria and Allegheny townships, in Cambria county: passed 11th April, 1807; recorded in law book No. XI. page 107; obsolete.
2858. An act to enforce the collection and settlement of tavern licenses, militia exempt fines, and for other purposes: passed 11th April, 1807; recorded in law book No. XI. page 118; repealed 30th March, 1811.
2860. An act to raise by way of lottery, a sum not exceeding three thousand five hundred dollars, for finishing a church at Barrenhill, in the county of Montgomery: passed 13th April, 1807; recorded in law book No. XI. page 120.
2864. A supplement to an act, entitled "An act to erect part of Lycoming, Huntingdon and Somerset counties into separate county districts: passed 13th April, 1807; recorded in law book No. XI. page 123; obsolete.
2866. An act for the relief of John Steel: passed 13th April, 1807; recorded in law book No. XI. page 127.
2869. An act to enable Matthew Gaut and William Espey, to sell and convey certain lands therein mentioned: passed 13th April, 1807; recorded in law book No. XI. page 129; private act.
2870. An act to raise by way of lottery a sum of money to defray the expenses incurred by the trustees of the German Lutheran congregation in and near the village of Elizabethtown in the county of Lancaster: passed 13th April, 1807; recorded in law book No. XI. page 130.
2871. An act to raise six thousand dollars by lottery, for the purpose of building a church for the use of the Lutheran and Calvinist congregation, in Hamburg, Berks county, and for finishing the Presbyterian church in the borough of Pittsburgh: passed 13th April, 1807; recorded in law book No. XI. page 131.
2874. An act to enable Ann Rambo, executrix, and Jacob Shainline, executor of the last will and testament of Abraham Rambo, to execute a deed of conveyance for a lot of ground in Upper Merion township, Montgomery county: passed 18th December, 1807; recorded in law book No. XI. page 145; private act.
1808. 2878. An act to empower the corporation of the German Reformed congregation in Germantown, in the county of Philadelphia, to sell and convey a certain messuage and lot of ground therein mentioned: passed 18th January, 1808; recorded in law book No. XI. page 147.
2879. An act to raise by way of lottery, a sum of money for the purpose of completing a meeting house in the township of Shamoken, Northumberland county: passed 18th January, 1808; recorded in law book No. XI. page 148.
2885. An act granting Samuel Kookooyaei a tract of donation land: passed 1st February, 1808; recorded in law book No. XI. page 152; obsolete.
2889. An act granting a tract of donation land to James Norris: passed 1st February, 1808; recorded in law book No. XI. page 162; obsolete.
2892. An act for the further relief of Charles Thompson: passed 4th February, 1808; recorded in law book No. XI. page 164; obsolete.
2894. An act to raise by way of lottery, a sum of money for the purpose of purchasing a burial ground for the society of Universalists, in the city of Philadelphia, and to pay a debt by them contracted in the building a house for public worship, and the finishing the same: passed 4th February, 1808; recorded in law book No. XI. page 165.

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1808. CHAP. 2897. An act for the relief of Nathaniel Coulter: passed 15th February, 1808: recorded in law book No. XI. page 168; obsolete.
2898. An act to allow further time for completing the Frankford and Bristol turnpike road, and erecting a bridge over Neshaminy creek: passed 15th February, 1808; recorded in law book No. XI. page 168; obsolete.
2899. An act to raise by way of lottery a sum not exceeding two thousand dollars, for building a house for religious worship in Limerick township, Montgomery county: passed 15th February, 1808; recorded in law book No. XI. page 169.
3900. An act for the relief of Dillaplain Ridgway: passed 15th February, 1808; recorded in law book No. XI. page 170; obsolete.
2901. An act to raise by way of lottery a sum of money for the purpose of finishing the meeting house in Wilkesbarre, and for protecting the bank of the river, opposite the borough, from the encroachments of the river: passed 15th February, 1808; recorded in law book No. XI. page 171.
2902. An act to enable Joseph Marshall and William Marshall, to sell and convey the real estate of Andrew Marshall, late of Hamilton township, Franklin county, deceased: passed 15th February, 1808; recorded in law book No. XI. page 172; private act.
2904. An act to raise by way of lottery, a sum of money for the purpose of erecting a school house for the use of the joint Lutheran and Reformed congregations at the Union church in Whitehall township, in the county of Northampton, and to defray the expenses of said church: passed 15th February, 1808; recorded in law book No. XI. page 173.
2905. An act granting Joseph Gwyne the depreciation of his pay as a soldier: passed 15th February, 1808; recorded in law book No. XI. page 174; obsolete.
2906. An act to raise by way of lottery a sum not exceeding four thousand dollars, for purchasing a lot or lots of ground, building a school house and house for religious worship thereon, in the borough of Bedford: passed 15th February, 1808; recorded in law book No. XI. page 174.
2910. An act to authorize and empower Priscilla Dill, widow of Thomas Dill, deceased, William Wireman, senior, and William Wireman, jun. guardians of the minor children of Thomas Dill, and administrators of the estate of Caleb Dill, deceased, to sell and convey one fourth part of two several tracts of land in Monahan township, in the county of York: passed 22d February, 1808; recorded in law book No. XI. page 179; private act.
2911. An act granting a tract of donation land to William M'Cormick: passed 22d February, 1808; recorded in law book No. XI. 181; obsolete.
2912. An act to raise by way of lottery a sum of money to defray the expenses incurred by the trustees of the German Presbyterian, and German Lutheran congregations, in the borough of Carlisle and its vicinity, in the county of Cumberland: passed 22d February, 1808; recorded in law book No. XI. page 181.
2913. An act to change the name of Christian Febiger Carson, to Christian Carson Febiger: passed 22d February, 1808; recorded in law book No. XI. page 182; private act.
2914. An act to enable the elders, wardens and members of the Lutheran and Presbyterian congregations, in Robinson township, Berks county, to raise by way of lottery a sum of money for the purpose of building a meeting house and school house in the said township: passed 22d February, 1808; recorded in law book No. XI. page 182.
2915. An act granting a tract of donation land to John Morris: passed 22d February, 1808; recorded in law book No. XI. pa. 183; obsolete.
2916. An act to raise by way of lottery, a sum not exceeding two thousand five hundred dollars, for finishing a church in the town of Hanover, in the county of York: passed 22d February, 1808; recorded in law book No. XI. page 183.

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1808. CHAP. 2917. An act to raise by way of lottery, a sum of money for the purpose of erecting a school house in Shippensburg, in the county of Cumberland: passed 22d February, 1808; recorded in law book No. XI. page 184.
2919. An act for the relief of Samuel Ashton: passed 22d February, 1808; recorded in law book No. XI. page 185; private act.
2920. An act to enable commissioners to convey lots of ground in the town of Fanetsburg in the county of Franklin: passed 22d February, 1808; recorded in law book No. XI. page 186.
2922. An act enjoining certain duties upon the treasurer of this commonwealth: passed 25th February, 1808; recorded in law book No. XI. page 190; obsolete.
2923. An act making an appropriation to complete the powder magazine of the state, in the county of Philadelphia: passed 25th February, 1808; recorded in law book No. XI. page 190; obsolete.
2924. An act to raise by way of lottery a sum of money for the purpose of building a meeting-house in the borough of Chambersburgh, Franklin county: passed 25th February, 1808; recorded in law book No. XI. page 191.
2925. An act to enable Israel Roberts, John Ogden and William Levis, junior, guardians of the minor children of Seth Pancoast, deceased, to sell and convey certain real estate therein mentioned: passed 14th March, 1808; recorded in law book No. XI. page 191; private act.
2927. An act to enable certain persons therein named, to sell and convey a messuage and lot of ground, devised by the late John Keble to the corporation of St. Paul's church, in the city of Philadelphia, for the use of aged widows, communicants of the said church: passed 21st March, 1808; recorded in law book No. XI. page 193; local act.
2928. An act to enable the administrators of Peter Ankeny, late of the county of Somerset, deceased, to convey certain lots of ground in the borough of Somerset to the purchasers thereof: passed 21st March, 1808; recorded in law book No. XI. page 194; private act.
2929. An act to authorize certain persons therein named, to raise by way of lottery a sum of money to enable them to finish a church in the town of Columbia, and to pay the debts contracted in building the same: passed 21st March, 1808; recorded in law book No. XI. page 195.
2932. An act to authorize Jacob Rudisell and George Kerl, administrators of the estate of George Kerl, deceased, or the survivor of them, to convey a part of a tract of land therein described, to William Young: passed 21st March, 1808; recorded in law book No. XI. page 199; private act.
2937. An act to raise by way of lottery, a sum of money for the purpose of erecting a school-house in Mayerstown, in the county of Dauphin: passed 21st March, 1808; recorded in law book No. XI. page 201.
2938. An act for discharging the sureties of Jonathan Penrose, deceased, late sheriff of the city and county of Philadelphia, from the payment of a sum of money therein mentioned: passed 24th March, 1808; recorded in law book No. XI. page 202; obsolete.
2941. An act to exonerate the real estate of Adam Nees, deceased, from a lien which the commonwealth is supposed to have on the same: passed 24th March, 1808; recorded in law book No. XI. page 208; private act; obsolete.
2945. An act authorizing the governor to contract with John Bioren, to print the laws of this commonwealth: passed 24th March, 1808; recorded in law book No. XI. page 216; obsolete.
2951. An act to vest in, and confirm to the elders and wardens of the joint congregations of Lutherans and German reformed church, in Bern township, in the county of Berks, the title to a tract of land therein mentioned: passed 26th March, 1808; recorded in law book No. XI. page 228; private act.

A. D.

1808. CHAP. 2953. An act granting a sum of money to Elizabeth Buch, otherwise Pugh, for services rendered by her late husband in the revolutionary war : passed 26th March, 1808 ; recorded in law book No. XI. page 229 ; obsolete.
2954. An act directing the distributing of the digest of the laws of this commonwealth in the German language : passed 26th March, 1808 ; recorded in law book No. XI. page 229 ; obsolete.
2956. A supplement to an act entitled " An act to enable the governor of this commonwealth to incorporate a company to make an artificial road from the Susquehanna river, at or near Wright's ferry to the borough of York : passed 26th March, 1808 ; recorded in law book No. XI. page 231 ; obsolete.
2957. An act to revive the act, entitled " An act providing that the person of a debtor shall not be liable to imprisonment for debt, after delivering up his estate for the benefit of his creditors, unless he hath been guilty of fraud or embezzlement : passed 26th March, 1808 ; recorded in law book No. XI. page 231 ; expired.
2959. An act authorizing the administrators to the estate of Jonas Heverstrite, to convey a lot of land in Abington township, Montgomery county : passed 26th March, 1808 ; recorded in law book No. XI. page 232 ; private act.
2960. An act declaring the marriage of Samuel Hamm and Mary Hamm, (late Mary Beerbrower,) to be fraudulent, null and void : passed 26th March, 1808 ; recorded in law book No. XI. page 233 ; private act.
2963. An act appropriating the state house in the city of Philadelphia, to the use of congress, if within a limited period the seat of the national government shall be removed to the said city of Philadelphia : passed 26th March, 1808 ; recorded in law book No. XI. page 234 ; expired.
2964. An act to empower John Wilt and George Shettle, executors of Paul Wilt, deceased, to purchase a tract of land in trust for Philip Weldy, Maria his wife, and her heirs : passed 26th March, 1808 ; recorded in law book No. XI. page 234 ; private act.
2966. An act making appropriation for the improvement of the state road, leading from Philadelphia through West Chester to Strasburg, and also for the building and repairing of bridges in Delaware county : passed 26th March, 1808 ; recorded in law book No. XI. page 237 ; obsolete.
2967. An act to dissolve the marriage contract between Alexander Kerr and Ruth his wife : passed 26th March, 1808 ; recorded in law book No. XI. page 237.
2968. An act to establish an auction store in the borough of Lancaster : passed 26th March, 1808 ; recorded in law book No. XI. page 238 ; repealed.
2970. An act confirming the title of James Robeson to certain lands therein mentioned : passed 26th March, 1808 ; recorded in law book No. XI. page 239 ; private act.
2971. An act further to extend the time for patenting lands and for other purposes : passed 26th March, 1808 ; recorded in law book No. XI. page 239 ; expired and supplied.
2978. An act for the relief of John M^cConahey : passed 28th March, 1808 ; recorded in law book No. XI. page 247 ; obsolete.
2979. An act for the relief of Mary Backhouse : passed 28th March, 1808 ; recorded in law book No. XI. page 248 ; obsolete.
2986. An act to dissolve the marriage of Jacob Mayer and Catharine his wife : passed 28th March, 1808 ; recorded in law book No. XI. page 252 ; private act.
2989. An act to prohibit the sale of lands for taxes upon which the state has a lien : passed 28th March, 1808 ; recorded in law book No. XI. page 253 ; expired.
2999. An act for the relief of the heirs of Christopher Walthour, senior, deceased : passed 28th March, 1808 ; recorded in law book No. XI. page 262 ; private act ; obsolete.



ACTS

OF THE

General Assembly of Pennsylvania.

Passed at a session which was begun and holden at Lancaster on Tuesday, December 7th, 1802, and from thence continued until Monday, April 4th, 1803, (inclusive.)

THOMAS M'KEAN, GOVERNOR.

1803.

SAMUEL MACLAY, Speaker of the Senate until March 16th, 1803, when he was succeeded by Robert Whitehill.

ISAAC WEAVER, JUNR. Speaker of the House of Representatives until February 28th, 1803, when he was succeeded by Simon Snyder.

CHAPTER MMCCXCVI.

An ACT to re-annex part of Franklin township, in the county of Westmoreland, to the fifth election district in said county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all that part of Franklin township, in the county of Westmoreland, that lies north of the New-Frankstown road, be and it is hereby re-annexed to the fifth election district in said county; and the electors thereof shall hold their general elections at the court-house in the borough of Greensburgh, any thing in any former law or laws to the contrary notwithstanding.*

Part of Franklin township in Westmoreland county, re-annexed to the fifth election district, and elections to be held at the court-house in Greensburgh.

Passed 11th January, 1803.—Recorded in Law Book No. VIII. page 202.

CHAPTER MMCCXCVII.

An ACT altering the place of holding the general election in the district composed of Phumb and part of Versailles township, in Allegheny county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assem-*

1803.

Place of holding general elections in the district composed of Plumb and part of Versailles township, Allegheny county.

bly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the electors of the district composed of Plumb township, and that part of Versailles township that lies north of the state road in Allegheny county, shall hold their general elections at the house now occupied by John Little, on the Frankstown state road in Plumb township, any former law or laws to the contrary notwithstanding.

Passed 11th January, 1803.—Recorded in Law Book No. VIII. page 202.

CHAPTER MMCCXCVIII.

An ACT altering the place for holding elections in the district commonly called Silver Spring district in Cumberland county.

Place of holding elections in East Pennsborough and Allen townships, in Cumberland county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the electors of those parts of East-Pennsborough and Allen townships, in Cumberland county, which compose an election district, shall from and after the passing of this act hold their elections at the dwelling-house now occupied by Nicholas Kritzer, in the township of East-Pennsborough aforesaid, any law to the contrary notwithstanding.*

Passed 13th January, 1803.—Recorded in Law Book No. VIII. page 202.

CHAPTER MMCCXCIX.

An ACT to erect part of Beaver county, into separate election districts.

Part of Beaver county erected into a separate election district, and where general elections within the same are to be held.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the county of Beaver, in the boundaries as follow, viz. Beginning at the west boundaries of Pennsylvania, where Little Beaver creek crosses the line; thence eastwardly up said creek about six miles to the Big Lick at William Anderson's; thence east about five miles to the west side of Big Beaver creek; thence up said creek to the mouth of Shenango; thence up the west side of said creek to the north boundary of the county; thence west by the county line to the west boundary of the state of Pennsylvania; thence south by the west state line to the place of beginning; shall be a separate election district, and the electors thereof shall hold their general elections at the dwelling-house now occupied by Robert Johnston on Beaver run in said district.*

Boundaries of another election district and place of holding the elections.

SECT. II. *And be it further enacted by the authority aforesaid, That the following boundaries be a separate election district; beginning at the house of Henry Lawrence, on Big Beaver creek; thence up said creek to the forks thereof; thence up the Shenango branch thereof to the place where the north boundary line of Bea-*

ver county crosses said creek ; thence east on said line to the north-east corner of said county ; thence south on the eastern boundary line of the same to where the said line crosses Conochiquenesing creek ; thence down said creek to the mouth of Brush creek ; thence westwardly to the place of beginning ; shall be a separate election district, and the electors thereof shall hold their general elections at the dwelling-house now occupied by Ananias Allen in said district.

1803.

SECT. III. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, that part of Beaver county within the following bounds shall be annexed to the Beavertown election district, and hold their general elections at the house now occupied by Samuel Johnston in Beavertown ; that is, beginning on the Ohio river at the mouth of Raccoon creek ; thence up said creek to Michael Baker's included ; thence a direct line to Jacob Myer's included, on the Ohio river ; thence down said river to the place of beginning.

A certain part of Beaver county annexed to Beavertown election district.

SECT. IV. *And be it further enacted by the authority aforesaid,* That that part of Beaver county, comprehended within the following bounds, be annexed to the Georgetown election district, and hold their general elections at the house formerly occupied by Samuel Lyons, in Georgetown ; that is, beginning at the south branch of Tumblestone's run, where it crosses the western boundary line of this state ; thence south on said state line, until it strikes Washington county line ; thence east on the said line, between Washington and Beaver counties, to White's mill, on Raccoon creek ; thence along the big road westwardly to Anderson's ; thence a direct line, to the place of beginning ; any law or laws to the contrary notwithstanding.

Another part to the Georgetown election district and place where elections to be held.

Passed 13th January, 1803.—Recorded in Law Book No. VIII. page 203.

CHAPTER MMCCC.

An ACT to erect Milford township, in the county of Somerset, into a separate election district.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the township of Milford, in Somerset county, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by John Gephart in Milford township aforesaid, any law to the contrary notwithstanding.

The township of Milford, Somerset county, to be an election district and elections to be held at the house of John Gephart.

Passed 17th January, 1803.—Recorded in Book No. VIII.

1803.

CHAPTER MMCCCI.

[Original
act, vol 3,
pa. 361, chap.
2034.]

A SUPPLEMENT to the act, entitled "*An Act to erect the town of Lebanon, in the county of Dauphin, into a borough*".

SECT. 1. [The privilege of holding fairs granted to the burghesses, &c. of the borough of Lebanon, on the fourth Thursday in May, and fourth Monday in October, annually.]

Passed 17th January, 1803.—Recorded in Law Book No. VIII. page 204.

CHAPTER MMCCCIII.

An ACT to erect part of Greenfield township, in the county of Erie, into a separate election district.

Part of
Greenfield
township in
Erie county,
erected into
a separate
election dis-
trict, and
place where
elections to
be held.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the following part of Greenfield township, in the county of Erie, shall be a separate election district, viz. Beginning on the verge of Lake Erie, where the western boundary line of the State of New-York intersects the same; thence south seven miles more or less to an ash-tree, the south-east corner of a tract of land surveyed for Robert Smith; thence west to the eastern boundary of Erie township; thence north by the said township to the verge of Lake Erie; thence by the same to the place of beginning; and the electors thereof shall hold their general elections at the house now occupied by Andrew Lowry in said district.

Passed 22d January, 1803.—Recorded in Law Book No. VIII. page 207.

CHAPTER MMCCCIV.

An ACT altering the place of holding the general elections in Noblesburgh district, in the county of Allegheny.

Place of
holding elec-
tions in No-
blesburgh
district,
Allegheny
county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the electors of Noblesburgh district, in the county of Allegheny, shall hold their general elections at the dwelling-house now occupied by George Williams, in the town of Noblesburgh aforesaid, any law to the contrary notwithstanding.

Passed 22d January, 1803.—Recorded in Law Book No. VIII. page 205.

CHAPTER MMCCCV.

1803.

An ACT to authorize Abraham Landis to erect a mill-dam in Swatara creek in the county of Dauphin. (y)

Passed 22d January, 1803.—Private act.—Recorded in Law Book No. VIII. page 207.

(y) By this act Abraham Landis is authorized to erect and maintain a mill-dam across Swatara creek. But it is provided that the same shall not injure the fording from Middletown to Elizabethtown and Lancaster; 2d, that he

shall erect a lock for the passage of boats; 3d, that the passage of fish shall not be obstructed; and 4th, that the rights of individuals shall not be impaired. (*Note to former edition.*)

CHAPTER MMCCCIX.

A SUPPLEMENT to the several acts of Assembly of this commonwealth, relating to the acknowledgment or proof of deeds and other writings.

[See vol. 1, page 94, and the notes. ib. page 96, and see chap. 605, ib. page 307.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That each of the Aldermen of the city of Philadelphia, shall have power to take and receive the acknowledgment or proof of all deeds, conveyances, mortgages or other instruments of writing, touching or concerning any lands, tenements or hereditaments, situate, lying and being within the city of Philadelphia: And also, power to take and receive the separate examination of any feme covert, touching or concerning her right of dower, or the conveyance of her estate, or right in or to any such lands, tenements or hereditaments, agreeably to the act of Assembly, entitled "An Act for the better confirmation of the estates of persons holding or claiming under feme coverts, and for establishing a mode by which husband and wife may hereafter convey their estates," passed on the twenty-fourth day of February, anno Domini one thousand seven hundred and seventy; and that the fees to be received by the said aldermen, shall be the same, which are now allowed by law to the justices of the peace, for similar services. (z)*

The Aldermen of the city of Philadelphia empowered to take the acknowledgment of deeds and also the separate examination of femes covert: for which services they are to receive the same fees as justices of the peace are now by law entitled to.

Passed 7th February, 1803.—Recorded in Law Book No. VIII. page 212.

(z) By an act passed January 20th, 1806, the Aldermen are empowered to take the acknowledgment, &c. of deeds, &c. for lands within the county of Philadelphia. (*Note to former edition.*)

CHAPTER MMCCCX.

An ACT to alter the place of holding the general elections in Buffalo township, Armstrong county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assem-*

1803.

General
elections in
Buffaloe
township,
Armstrong
county,
where to be
held.

bly met, and it is hereby enacted by the authority of the same, That the electors residing within the district composed of Buffaloe township, in the county of Armstrong, shall hold their general elections at the house now occupied by John M'Dowell in said township, any law or laws to the contrary notwithstanding.

Passed 7th February, 1803.—Recorded in Law Book No. VIII. page 208.

CHAPTER MMCCCXI.

An ACT to enable the Governor of this commonwealth, to incorporate a company for opening the navigation of Conecocheague creek, from the mouth of the Falling Spring in the town of Chambersburgh, to the Maryland line.

SECT. 1. [COMMISSIONERS appointed, who are to open books and receive subscriptions for the Conecocheague navigation. Form of subscription. Notice to be given of the times and places of subscription. From whom subscriptions may be received. Commissioners may adjourn from time to time till subscription is complete. Subscribers to pay a deposit of two dollars for every share. 2. When a certain number of shares, or the whole, are subscribed, the commissioners to certify the same to the Governor, who shall thereupon incorporate the subscribers by the style of "The President, Managers and Company of the Conecocheague Navigation," with the usual corporate powers. 3. The five first named patentees to notify the subscribers to meet, for the purpose of organizing the corporation, choosing officers, making by-laws, &c. Number of votes limited. 4. The time of annual meetings to be on the first Monday in September, for choosing officers; and other meetings according to summons. 5. Certificates of shares to be issued to each subscriber. 6. Meetings of the president and managers and proceedings at such meetings prescribed. 7. Regulations in case of neglect to pay the subscription money. 8. The president and managers may enter the lands, &c. through which the creek may pass, for the purpose of furthering its navigation, &c. 9. When toll-gatherers may be appointed, and what toll may be received. 10. The president and managers to keep the accounts of the corporation, and submit the same annually to the stockholders. 11. A printed list of the tolls to be fixed up, &c.]

Passed 7th February, 1803.—Recorded in Law Book No. VIII. page 212.

CHAPTER MMCCCXII.

An ACT erecting that part of Pine township, in Allegheny county, not included within the seventh election district, into a separate election district.

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly

met, and it is hereby enacted by the authority of the same, That 1803.
 from and after the passing of this act, all the township of Pine, in
 the county of Allegheny, except that part comprehended in the
 seventh district, shall be a separate election district, and the electors
 thereof shall hold their general elections at the house now occupied
 by Baltzar Good, in said township, any former law to the contrary
 thereof notwithstanding.

Part of Pine
 township in
 Allegheny
 county,
 erected into
 a separate
 election dis-
 trict, and
 where elec-
 tions to be
 held.

Passed 7th February, 1803.—Recorded in Law Book No. VIII. page 210.

CHAPTER MMCCCXIV.

An ACT to authorize Charles Smith, of the borough of Lancaster, his heirs and assigns, to erect and maintain a wing dam in the river Juniata, under certain restrictions.

Passed 7th February, 1803.—Private Act.—Recorded in Law Book No. VIII. page 209.

CHAPTER MMCCCXVI.

An ACT to erect a new election district in the county of Crawford.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That*
 from and after the passing of this act, the township of Rockdale, in
 the county of Crawford, shall be an election district, and the elec-
 tors thereof shall hold their general elections at the house now oc-
 cupied by William Greenlee, in Rockdale township aforesaid.

The town-
 ship of Rock-
 dale in
 Crawford
 county, to be
 an election
 district, and
 place of
 holding elec-
 tions.

Passed 11th February, 1803.—Recorded in Law Book No. VIII. page 243.

CHAPTER MMCCCXVII.

An ACT to enable the Governor of this commonwealth, to incorporate a company for making an artificial road by the best and nearest route, from the borough of Easton, in the county of Northampton, to the town of Wilkesbarre, in the county of Luzerne.

SECT. 1. [COMMISSIONERS appointed to open books and receive subscriptions for the Easton and Wilkesbarre turnpike road. Form of subscription. Notice of the times and places of subscription to be published. Who may subscribe, and for what number of shares. For what time the books are to be kept open. The commissioners may adjourn from time to time till the whole number of shares are subscribed, when the books shall be closed. Subscribers to pay a deposit of ten dollars for every share subscribed. 2. When a certain number of shares, or the whole are subscribed, commissioners to certify the same to the Governor, who shall thereupon incorporate the subscribers by the style of "The President, Managers and

1803. **Company of the Easton and Wilkesbarre Turnpike Road,** with the usual corporate powers. 3. The commissioners to notify the subscribers to meet for the purpose of organizing the corporation. Officers to be chosen, to consist of one president and twelve managers, treasurer, and such other officers as they may think necessary. Number of votes limited. Future elections to be held alternately at Easton and Wilkes-Barrè. 4. The times of annual and special meetings of the company, and powers of the company at such meetings prescribed. 5. Certificates of shares to be issued on part payment. Which certificate shall be transferable. 6. Meetings of the president and managers, and proceedings at such meetings, prescribed. 7. Regulations in case of neglect to pay the purchase money. 8. The president and managers, &c. may enter lands, &c. through which the road may pass, to examine the ground, &c. The route or track of the road to be surveyed and laid down, &c. 9. The president and managers may enter lands, &c. to take materials, and mode of estimating the compensation to owners prescribed, by arbitration if the parties cannot agree. 10. The president and managers to erect bridges and lay out a road. To be for ever kept in repair. 11. Mode of proceeding to obtain license to erect turnpike gates. 12. The road being completed toll-gatherers to be appointed; the amount of tolls prescribed.]

Penalty on persons attempting to evade the payment of the tolls.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That if any person or persons, owning, riding in or driving any carriage of burden or pleasure as aforesaid, or owning, riding, leading or driving, any horse, mule, hogs, sheep or cattle as aforesaid, shall with an intent to defraud the said company, or to evade the payment of any of the tolls or duties aforesaid, pass therewith through any private gate or bar, or along or over any private passage, way, or along or over any other ground, or land near to or adjoining any turnpike or gate, which shall be erected in pursuance of this act; or if any person or persons shall with the intent aforesaid, take off, cause to be taken off, any horse or other beast, or cattle of draught or burden, from any carriage of burden or pleasure, or shall practise any other fraudulent means or device, with the intent to evade or lessen the payment of any such toll or duty, all and every such person or persons offending in manner aforesaid, shall for every such offence respectively forfeit and pay to the president, managers and company of the Easton and Wilkesbarre turnpike road, the sum of fifteen dollars, to be sued for and recovered with costs of suit, before any Justice of the Peace, in like manner, and subject to the same rules and regulations as debts under twenty pounds may be sued for and recovered.

Proceedings in case the company do not keep the road in good order and repair.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good and perfect order and repair, for the space of fifteen days, and information thereof shall be given to any Justice of the Peace of the proper county, such Justice shall issue a precept, to be directed to any constable, commanding him to summon three judicious freeholders, to meet at a certain time in the said precept to be mentioned, at the place in the said road which is complained of, of which meeting notice shall be given to the keeper of the gate or turnpike

nearest thereto, and the said Justice shall at such time and place, by the oaths or affirmations of the said freeholders, enquire whether the said road or any part thereof, is in such good and perfect order and repair as aforesaid : and shall cause an inquisition to be made under the hands and seals of himself, and a majority of the said freeholders, and if the said road shall be found by the said inquisition to be out of order and repair, according to the true intent and meaning of this act, he shall so certify and send one copy of the said inquisition, to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, for the intermediate distance between them shall cease to be demanded, paid or collected, until the said defective part or parts of the said road, shall be put into good and perfect order and repair as aforesaid, and if any of the keepers of the gates aforesaid, shall take or attempt to exact tolls for the intermediate distance between the gates aforesaid, from any traveller during the time the road shall continue out of repair, such keeper shall forfeit and pay to the person who shall prosecute for the same, the sum of five dollars, to be recovered before any Justice of the Peace, as debts under forty shillings are by law recoverable ; but if the same road shall not be put into good and perfect order and repair, before the next ensuing Court of Quarter Sessions of the proper county, the said Justice shall certify and send a copy of the said inquisition to the Justices of the said court, and the said court shall thereupon cause process to issue, and bring in the bodies of the person or persons, entrusted by the company with the care and superintendence of such part of the said road, as shall be found defective as aforesaid, and shall direct a bill of indictment to be sent to the grand inquest, against the person or persons entrusted as aforesaid, and upon conviction shall give such judgment according to the nature and aggravation of the neglect, as the said court in their discretion shall judge proper : *Provided*, The fine in no instance shall be less than twenty dollars, nor exceeding one hundred dollars, and the fines so to be imposed shall be recovered in the same manner as fines for misdemeanors, are usually recovered in the said county, and shall be paid to the supervisors of the highways of the place wherein the offence was committed, to be applied to repairing such highways as the township or county is bound to repair, at the public expense thereof.

SECT. 15. [The president and managers to keep the company accounts of subscriptions, &c. And submit the same to the general meeting of the stockholders, and if the capital is found insufficient to complete the road, it may be enlarged. 16. The president and managers to keep an account of the tolls and declare dividends on the profit. 17. The president and managers to lay an abstract of the accounts before the Legislature, &c. in order to ascertain the clear income, and if the profits do not amount to six per cent. the tolls may be increased. 18. Posts of direction to be erected : and mile stones to be placed on the side of the road ; and printed rates of tolls to be fixed at the turnpikes.]

SECT. XIX. *And be it further enacted by the authority aforesaid,* Penalty on persons who shall deface That if any person or persons shall wilfully break, deface, pull up,

1803.

or destroy
any mile
stone, direc-
tion post,
&c.

or prostrate any mile stone, which shall be placed in pursuance of this act on the side of the said road, or shall obliterate the letters or figures inscribed thereon, shall wilfully break, pull down, deface, destroy, or injure any direction post, which shall be erected in pursuance of this act at the intersection of any road as aforesaid, or the board or index-hand affixed thereto, in conformity with the directions of this act, or shall obliterate the letters or figures inscribed or marked thereon, or destroy, deface or obliterate the letters, figures or other characters marked at any turnpike or gate, which shall be erected in pursuance of this act, for all or any of the purposes therein mentioned; or the whole or any part of any printed list of the rates of tolls, which shall be affixed in pursuance of the directions of this act, at any such gate or turnpike, he or they so offending in the premises shall, and each of them shall, for every such offence severally and respectively forfeit and pay to the said president, managers and company, the sum of twenty dollars, to be sued for and recovered with costs of suit before any Justice of the Peace in manner aforesaid.

SECT. 20. [The president and managers may farm the tolls, &c. for any term not exceeding seven years.]

Drivers to
keep the
right hand
side in the
passing di-
rection.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That all waggoners, carters and drivers of carriages of all kinds, whether of burden or pleasure using the said road, shall, except when overtaking and passing by a carriage of slower draught, keep their horses and carriage on the right hand side of the said road, in the passing direction, leaving the other side of the said road free and clear for other carriages to pass and repass, and if any waggoner, carter or driver shall offend against this provision, he shall forfeit and pay any sum not exceeding six dollars, to any person who shall by reason thereof be obstructed in his passage, and will sue for the same before any justice of the peace, to be recovered with costs in like manner as aforesaid,

Penalty on
toll gather-
ers taking
more than
legal toll.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That if any toll-gatherer on the said road, shall demand and receive from any person or persons using the said road, any greater or higher rate of toll than by this act is authorized and allowed, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, one half to the use of the overseers of the poor of the township in which the forfeiture shall be incurred; and the other half to the use of the person suing for the same, to be recovered before any Justice of the Peace of the county where such offence shall have been committed.

Defendants
to be allow-
ed reason-
able retribu-
tion against
prosecutors
not sustain-
ing their
prosecutions.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That if in the case of any suit or prosecution, which shall be commenced under the directions of this act, for any penalty incurred under the same, whether by or against the said company, their servants or assignees, the said suit or prosecution shall not be sustained by the plaintiff or prosecutor, then and in such case the person or persons prosecuted as aforesaid, shall recover by the judgment of the Justice before whom such suit or prosecution shall be depending, or by action before the Court of the Common Pleas of the proper county, (if such prosecution had been instituted before the

Court of General Quarter Sessions of the Peace,) such sum not exceeding the amount of the penalty for which the suit or prosecution shall be commenced, as shall be deemed a reasonable retribution for the vexation of such suit or prosecution. 1803.

SECT. 24. [Limitation of time within which actions under this act are to be commenced, &c. 25. The right reserved to the state, of purchasing the road and extinguishing the toll. 26. Time allowed for commencing and finishing the road.

Passed 11th February, 1803.—Recorded in Law Book No. VIII. page 215, &c.

CHAPTER MMCCCXVIII.

An ACT authorizing William Wright, to lead off and use part of the waters of the Susquehanna, on his own land, in York county. (a)

Passed 11th February, 1803.—Private Act.—Recorded in Law Book No. VIII. page 228.

(a) By this act William Wright is not injure the rights of individuals, or authorized to erect a dam, in the Sus- impair the contract between this state quehanna, adjoining Chicquis Falls, for and the Delaware and Chesapeake canal the use of water works. Provided it do company. (*Note to former edition.*)

CHAPTER MMCCCXIX.

An ACT to authorize Samuel Bell and Nicholas Gerst, their heirs and assigns respectively, to erect mill-dams on Swatara creek, in the county of Dauphin. (b)

Passed 11th February, 1803.—Private Act.—Recorded in Law Book No. VIII. page 229.

(b) Samuel Bell and Nicholas Gerst to erect and keep in repair locks for the are authorized to erect dams across free passage of boats—not to obstruct Swatara creek, adjoining their own land, the passage of fish, or injure the rights of individuals. (*Note to former edition.*) with the consent of the owner of the land on the opposite side of the creek—

CHAPTER MMCCCXX.

An ACT for settling the accounts of the trustees of Wayne county, and vesting the powers of said trustees in the county Commissioners. [See vol. 3, pa. 316, and an act passed 19th March, 1810, post.]

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of Wayne county, shall on or before the first day of June next, settle and adjust the accounts of the trustees of said county, and pay out of the county stock, such sum or sums of money, as they may find due to the said trustees or either of them: Provided, That such settlement be first approved of by the auditors of the said county.

The commissioners of Wayne county to settle the accounts of the trustees of said county, &c.

1803.

After which settlement, &c. the board of trustees to be dissolved and their powers vested in the county commissioners.

SECT. II. *And be it further enacted by the authority aforesaid,* That from and after the settlement of the trustees' books as aforesaid, and the payment of such sum or sums as shall be found due to them, or either of them, then the board of trustees shall be dissolved, and the powers granted to them by an act, entitled "An act to authorize the removal of the seat of justice in the said county of Wayne, and for other purposes," passed the first day of April, one thousand seven hundred and ninety-nine, shall be vested in the county commissioners for the time being, and their successors in office.

The trustees on receipt of the monies due them, authorized and required to convey to the commissioners in trust, &c. all the public lands remaining unsold.

SECT. III. *And be it further enacted by the authority aforesaid,* That the trustees, or a majority of them, are hereby authorized and required, on the receipt of the sums found due to them, or either of them, to convey to the county commissioners and their successors in office, in trust, for the purposes for which it was granted, all the lands remaining unsold, conveyed to them for the purposes of erecting public buildings at Bethany, in the said county, any law to the contrary in any wise notwithstanding.

Passed 11th February, 1803.—Recorded in Law Book No. VIII. page 230.

CHAPTER MMCCCXXI.

An ACT to vest in Sophia Biddle, for the use of herself and children, certain parts of the forfeited estate of John Biddle, which have not yet come into the possession of this commonwealth. (c)

Passed 21st February, 1803.—Recorded in Law Book No. VIII. page 231.

(c) By this act the real and personal estate of John Biddle, not seized or disposed of on account of the public, are vested in his widow and children in the same manner as if he had died intestate since April 10th, 1794, and had never been attained. (*Note to former edition.*)

CHAPTER MMCCCXXII.

An ACT appointing four trustees, in addition to those heretofore appointed for the county of Beaver, and for other purposes.

[Vol. 3, page 429.]

WHEREAS by an act passed the twelfth of March, one thousand eight hundred, there was granted for the use of an academy, or public school in Beavertown, five hundred acres of land, and three persons therein mentioned, appointed to hold the same in trust for the purpose aforesaid, and no provision was made by the said act, authorizing said trustees to farm-let, lease or otherwise dispose of said land, or to complete the intention of the Legislature, in erecting a suitable building for an academy in said town: Therefore,

Trustees named and empowered

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That John Lawrence, esquire, Guion Grier, James Alexander and Sa-

muel Johnston, be, and they are hereby appointed trustees for the land granted by an act, passed the twelfth of March, one thousand eight hundred, for the use of an academy in Beavertown, which trustees, together with those appointed under the act aforesaid, or a majority of them, shall have power to farm-let, lease or otherwise dispose of said land, for any term not exceeding fifteen years from and after the passing of this act, with all other powers vested by the act aforesaid, in the trustees of Beaver county.

1803.

To lease the lands belonging to Beavertown academy, &c.

SECT. II. *And be it further enacted by the authority aforesaid,* That said trustees or a majority of them, are hereby empowered to erect or cause to be erected, a suitable building on one of the public squares, in said town of Beaver, for an academy, and to receive any grant or grants of land, or any other less estate, which have or may be made or given to them, or the former trustees for the use or advantage of said academy, and to take to themselves in fee-simple, or otherwise, any conveyance or assurance, in trust for the same, and to ask or demand, sue for, and recover all such sum or sums of money, as may have at any time been or may be hereafter subscribed, for the use of said academy, and also to apply all the proceeds, rents and issues arising from the grant of land aforesaid, for the use of said institution.

Further powers of the trustees.

SECT. III. *And be it further enacted by the authority aforesaid,* That the said trustees and every of them, shall give bond with two sufficient sureties, for the use of said seminary, to the commissioners of the county, and their successors in the sum of six hundred dollars, for the faithful performance of the duties enjoined on them by this act. And moreover, once in every year, exhibit their accounts to the grand jury of the county, for their inspection and approbation.

To give bond, &c.

And exhibit their accounts annually to the grand jury.

Passed 21st February, 1803.—Recorded in Law Book No. VIII. page 232.

CHAPTER MMCCCXXV.

An ACT establishing the compensation of the Deputy Secretary of this commonwealth.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the salary of the Deputy Secretary of this commonwealth, shall be twelve hundred dollars per annum, any law or laws to the contrary notwithstanding.

Salary of the Deputy Secretary

Passed 25th February, 1803.—Recorded in Law Book No. VIII. page 235.

CHAPTER MMCCCXXVI.

An ACT to erect a certain election district in the county of Wayne.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assem-*

1803. *bly met, and it is hereby enacted by the authority of the same, That the township of Buckingham, Damascus, and that part of Lackawaxen township, lying north of Lackawaxen creek, and east of the Barrens in said township, are hereby erected into a separate election district, to be called Saint Tammany district, and the electors thereof, shall hold their general elections at the house now occupied by Reuben Skinner, in said county.*

Saint Tammany district, Wayne county, erected, and place where elections to be held.

Passed 25th February, 1803.—Recorded in Law Book No. VIII. page 236.

CHAPTER MMCCCXXVIII.

An ACT to authorize the electors of the sixth election district in the county of Huntingdon, to hold their general elections at the house of James Entreken, at the mouth of Coffee run, on the Raystown branch of Juniata river.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the electors of the sixth election district, in the county of Huntingdon, shall hold their general elections at the house now occupied by James Entreken, at the mouth of Coffee run, on Raystown branch of Juniata river, in Hopewell township.*

Place of election in the sixth election district, Huntingdon county.

Passed 25th February, 1803.—Recorded in Law Book No. VIII. page 237.

CHAPTER MMCCCXXX.

An ACT to authorize the surviving commissioners, named in certain commissions of bankruptcy, to proceed in the execution of the said commissions, and for other purposes therein mentioned.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful, for the surviving commissioners or commissioner in any commission of bankruptcy, which has been issued by the executive authority of this commonwealth, to proceed in the execution of all such matters and things, as may remain to be done and executed, in relation to such commission of bankruptcy, and such surviving commissioners or commissioner as the case may be, shall have and possess the same powers, and be subject to the same duties, as were originally granted to and enjoined on the whole of the commissioners, in such commission named.*

The survivors in any commission of bankruptcy, authorized to proceed in executing the same.

SECT. II. *And be it further enacted by the authority aforesaid, That in all cases where by reason of death, inability or absence from the state, there shall remain no commissioners authorized to act in regard to the estate of any person, who has heretofore been declared a bankrupt, under the authority of this commonwealth, it shall be lawful for the Governor from time to time, as occasion may require,*

In certain enumerated cases, the Governor empowered to issue a new commission.

to issue a new commission, directed to any number of commissioners therein named, not exceeding three, which commissioners so to be appointed or the major part of them, shall have similar powers, and perform like duties, as the commissioners originally appointed, in such cases respectively possessed, and were authorized to perform.

1803.

Passed 8th March, 1803 —Recorded in Law Book No. VIII. page 239.

CHAPTER MMCCCXXXI.

An ACT establishing and confirming the place for holding the courts of justice, and for erecting the public buildings for the county of Butler. [See vol. 3, pa. 422.]

WHEREAS in pursuance of an act passed the sixth of April, one thousand eight hundred and two, entitled “An act to establish the places for holding the courts of justice in the counties of Armstrong, Butler and Mercer,” it appears that the Governor did appoint Isaac Weaver, John Hamilton, Thomas Morton, James Brady and Presly Car Lane, esquires, to be commissioners to perform the duties enjoined and required by the said act: And whereas, by the report of the said commissioners deposited by them, in the office of the Secretary of the commonwealth, and now laid before the General Assembly, it appears that the said commissioners have performed the duties enjoined and required by the said act: In order therefore to complete and secure to the people of the said county of Butler, the benefits intended in and by the act aforesaid,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* John McBride, esquire, William Elliott, esquire, and John David, be, and hereby are appointed trustees for the county of Butler, and the said trustees or a majority of them, are hereby authorized and required to survey or cause to be surveyed, three hundred acres of land, situate on the north side of Conequinesing creek, near Samuel Cunningham’s mill, agreeably to a description given of the situation and boundary thereof, expressed in the grant and obligation of Samuel Cunningham, John Cunningham and Robert Graham, made by them to the Governor for the use of the county of Butler; and the said trustees are hereby authorized and required to lay out a convenient lot or lots of land, within the said three hundred acres, not exceeding five acres, whereon the public buildings shall be erected for the use of the county of Butler, and the surplus or residue of said three hundred acres of land, which shall remain after the sites for the public buildings are set apart and determined, shall be laid out for a town, with suitable town-lots and out-lots, at the discretion of the trustees with necessary reservations, for a quarry, streets, lanes, alleys, and roads or highways: *Provided however, That no out-lots shall exceed five acres, and the town hereby directed to be laid out shall be called Butler.*

Trustees appointed for the county of Butler; who are to cause to be surveyed 300 acres of land, for the use of said county.

To lay out a lot or lots, not exceeding five acres whereon public buildings are to be erected, and the residue of said 300 acres, in to town and out-lots.

Dimensions of the out-lots; town called Butler.

1803.

Trustees to sell town and out-lots by way of auction, and to give previous notice of such sale.

Deeds in fee-simple of the said 300 acres of land are first to be obtained in trust for the use of Butler county, and the same to be recorded in the Recorder's office of Allegheny county, and afterwards conveyances made for the town and out-lots, to the purchasers.

The trustees, within two years after the organization of Butler county, are to surrender the trust vested in them by this act, to the commissioners of said county, &c.

Powers and duties of said commissioners.

Compensation of the trustees and by whom to be paid.

A return of the survey of the town and out-lots to be filed in the recorder's office of Allegheny county or Butler county.

SECT. II. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said trustees, or a majority of them, to sell by public auction, the said town lots and out-lots, at such time or times, as they may judge most advantageous to the county, which sale shall be held at the said Cunningham's mill, in the said county, previous to which the said trustees shall advertise the same, three times at least in one or more newspaper published in Pittsburg, Greensburg and Washington, one month before the day appointed for such sale: *Provided,* That before the said commissioners proceed to the discharge of the duties, herein enjoined and required, they shall demand and receive from the aforesaid Samuel Cunningham, John Cunningham and Robert Graham, sufficient deeds, in fee-simple, of the above described three hundred acres of land, in trust for the use of the said county of Butler, agreeably to the grant thereof heretofore made to the Governor, for the use of the county of Butler, by the said Samuel Cunningham, John Cunningham and Robert Graham, and shall procure the same to be recorded in the office for recording of deeds, in Allegheny county, and when the said trustees have so done, they shall have authority, and it shall be their duty, to make out and grant sufficient deeds, in fee-simple, for the town and out-lots by them sold in pursuance of this act.

SECT. III. *And be it further enacted by the authority aforesaid,* That the said trustees or a majority of them, shall within two years after the said county of Butler shall be organized, and the courts and board of commissioners in operation, surrender and convey all the trust vested in them, by this act, to the commissioners of Butler county, and to their successors in office, and the said county commissioners and their successors, shall enjoy and exercise all the powers vested in, and discharge all the duties required and enjoined on the said trustees, as fully to all intents and purposes, as if they were expressly herein named, and the said county commissioners shall have power, and it shall be their duty, to call upon, and if necessary to compel the said trustees or either of them, by suit to settle their accounts with respect to the performance of their trust, and pay over the money due to the county, if any such money remains in their hands, to the treasurer of Butler county, subject to the disposal of the said county commissioners.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the aforesaid trustees shall each receive one dollar and thirty-three cents, for every day they shall be employed in the performance of the duties of the aforesaid trust together with all expenses necessarily incurred, for assistance in surveying and laying out lots, streets, lanes and alleys, which shall be paid by the treasurer of the county of Allegheny, on orders, from the commissioners of said county, out of the county taxes levied in Butler county.

SECT. V. *And be it further enacted by the authority aforesaid,* That the said trustees shall as soon as may be, file a draft and return of the survey and proceeding under and by virtue of this act, in the office of the recorder of deeds, in and for the county of Allegheny, or in the said office for the county of Butler, if such office be then established by law.

SECT. VI. *And be it further enacted by the authority aforesaid,* **1803.**
That so much of the act passed the twelfth of March, one thousand eight hundred, entitled, "An act erecting certain parts of Allegheny, Westmoreland, Washington and Lycoming counties, into separate counties," as authorizes the commissioners therein named, to be trustees for the county of Butler, shall be and hereby is repealed and made void.

Repealing
clause.

Passed 8th March, 1803.—Recorded in Law Book No. VIII. page 239.

CHAPTER MMCCCXXXIII.

A further SUPPLEMENT to the act, entitled "An act to erect the town of Sunbury in the county of Northumberland into a borough."

SECT. 1. [THE qualified inhabitants of the borough of Sunbury shall annually elect eight Common Councilmen, each of whom to take an oath of office before he enters on the duties thereof. 2. Powers of the Burgesses, Assistants and Common Councilmen, prescribed. 3. Proceedings before the laws and ordinances of the corporation are to have effect, and for revoking or altering the same, prescribed.]

Passed 16th March, 1803.—Recorded in Law Book No. IX. page 1. (*d*)

(*d*) For the incorporating act, see vol. 3, page 286, authorized to hold yearly fairs, *ib.* page 479.

CHAPTER MMCCCXXXIV.

An ACT to erect a new election district in the county of Dauphin, and to alter the place of holding the general elections for the two adjoining districts.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the following boundaries shall compose an election district, to wit: Beginning at the west side of Susquehanna river, opposite the end of Peter's mountain: thence across the said river and along the top of said mountain to the line of Berks county; thence along said line to the top of Wisconesco or Berry's mountain; thence along the highest ridge thereof, and across the said river; thence down the same, to the place of beginning, shall compose an election district, and the electors thereof shall hold their general elections at the house now occupied by John Evig, in the town of Halifax, in the said county of Dauphin.

A new election district erected in Dauphin county; its boundaries.

Place of holding general elections.

SECT. II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the electors residing in the township of Middle Paxton, to the southward of Peter's mountain, shall hold their elections at the house now occupied by

Places of elections in Middle and Upper Paxton township.

1803. John Filson, in said township; and the electors of Upper Paxton township, residing to the northward of Wisconesco or Berry's mountain, shall hold their elections at the house now occupied by George Buffington, in said township, any thing in any law to the contrary notwithstanding.

Passed 16th March, 1803.—Recorded in Law Book No. IX. page 2.

CHAPTER MMCCCXXXV.

An ACT erecting one new election district, and making alterations in other districts, in Northumberland county.

A new election district erected in Northumberland county, and place of holding elections therein;

the place of holding elections in the sixth district changed;

and the lines of New-Berlin district altered.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the townships of Mahoning and Hemlock, in the said county, shall be a separate election district, to be called Danville district, and the electors thereof shall hold their general elections at the house of William Sheriff, in the town of Danville, in the township of Mahoning; and that the place of holding the general elections in the district usually called the sixth district, be, and is hereby changed from the house of Albright Swineford, to the house of John Swineford, in the town of Middleburgh, in Penns township; and that the lines of New-Berlin district, be, and are hereby altered as follows, viz. Beginning at the house of Toran O'Quin; thence to the top of the middle ridge of the Shamokin hills; thence by the same until opposite the south-west corner of Hugh Wilson's land; thence to said corner; thence by the line of division between the said Hugh Wilson's land and the tract of land on which Joshua Davis lives to the Lime-stone ridge; thence to John Steele's; and thence to Christopher Seabold's mill, including the farms of the persons above named, who together with the other electors residing within the said boundary shall elect at the town of New-Berlin, any law or laws to the contrary hereof notwithstanding.*

Passed 16th March, 1803.—Recorded in Law Book No. IX. page 4.

CHAPTER MMCCCXXXVII.

An ACT erecting Bethel township in the county of Berks, into an election district.

Bethel township in the county of Berks, erected into an election district, and where elections to be held.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Bethel township, in the county of Berks, is hereby erected into an election district, and the electors thereof shall hold their elections at the house now occupied by Michael Miller in said township.*

Passed 16th March, 1803.—Recorded in Law Book No. IX. page 9.

CHAPTER MMCCCXXXIX.

1803.

An ACT to erect the town of Chambersburgh, in the county of Franklin, into a borough.

[Printed at
large, vol. 7,
8vo, pa. 38.]

SECT. 1. [THE town of Chambersburgh erected into a borough; and its boundaries described. 2. Borough officers to be chosen, by all persons entitled to vote for members of the Legislature, residing in the borough twelve months previous to the election on the first Monday in May, annually: viz. A burgess and five citizens, to be a town council and one high-constable, and the manner of conducting the election prescribed. 3. The burgess and town council created a body politic, by the name of "The Burgess and Town Council of the borough of Chambersburgh," with the usual corporate powers; and the inhabitants of Chambersburgh authorized to hold two fairs annually. 4. Penalty for refusing to act as a borough officer, to be applied to the use of the corporation. 5. Qualifications of the borough officers prescribed. 6. The town council empowered to make the necessary by-laws, &c. to assess taxes, and to appoint a town clerk, treasurer, &c. Proviso, that no by-laws, &c. shall be repugnant to the constitution or laws of the United States or this state. Annual taxes limited as to amount. 7. How taxes are to be collected and to whom paid. 8. Duties and accountability of the town clerk prescribed and declared. 9. The treasurer to give security, &c. 10. The officers appointed by the corporation to render their accounts annually for settlement. 11. Duties of the high constable, prescribed. 12. The waters of Conococheague creek not to be obstructed or diverted. 13. Appeal allowed to persons feeling themselves aggrieved by any thing done in pursuance of this act, to the next sessions.]

Passed 21st March, 1803.—Recorded in Law Book No. IX. page 11.

CHAPTER MMCCCXL.

An ACT erecting certain election districts in Cumberland county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That,* from and after the passing of this act, the township of Tyrone, in Cumberland county, shall be a separate election district, and the electors thereof shall hold their general elections at the school-house in the town of Landisburgh, any former law or laws to the contrary notwithstanding.

Tyrone township in Cumberland county erected into an election district, and place of holding elections.

SECT. II. *And be it further enacted by the authority aforesaid, That* from and after the passing of this act, the township of Teboyne, in Cumberland county, shall be a separate election district and the electors thereof shall hold their general elections at the house now occupied by Henry Simmerman in said township, any former law or laws to the contrary notwithstanding.

Teboyne township similiter.

Passed 21st March, 1803.—Recorded in Law Book No. IX. page 18.

1803.

CHAPTER MMCCCXLI.

An ACT to erect the townships of Pennsbury, Kennett, East-Marlborough, and Newlin, in the county of Chester, into a separate election district.

Pennsbury, Kennett, East-Marlborough and Newlin townships in Chester county, to be a separate election district and place where elections to be held.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the townships of Pennsbury, Kennett, East-Marlborough and Newlin, in the county of Chester, shall be a separate election district, to be called the ninth district, and the electors thereof shall hold their general elections at the house now occupied by Joseph Pierce, in the township of East-Marlborough aforesaid, commonly known by the name of the Red Lion tavern.

Passed 21st March, 1803.—Recorded in Law Book No. IX. page 19.

CHAPTER MMCCCXLII.

An ACT to authorize any person or persons owning lands adjoining navigable streams of water, declared public highways, to erect dams upon such streams, for mills and other water-works.

Persons owning lands adjoining navigable streams of water, declared public highways, authorized to erect mill-dams thereon adjoining their own lands, &c.

Conditions annexed to the privi-

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* all and every person or persons owning lands, adjoining any navigable stream of water, declared by law a public highway, except the rivers Delaware, Lehigh and Schuylkill, be, and they or either of them are hereby authorized to erect a dam or dams, for a mill or mills or other water-works upon any such stream of water, adjoining their own lands, and to keep the same in good repair, and also to lead off, thereby on his or their own land, so much of the water of such stream as may be necessary for his or their mill, or mills, or other water-works: *Provided, That* the said person or persons, his, or their heirs and assigns in erecting the said dam or dams, or keeping them in repair, shall not obstruct or impede the navigation of such stream, or prevent the fish from passing up the same: *And provided also, That* the person or persons so erecting said dam or dams shall not infringe on or injure the rights and privileges of the owner or possessor of any private property on such stream.

Proceedings navigation is obstructed or passage of fish impeded by such dams.

SECT. II. *And be it further enacted by the authority aforesaid, That* on complaint made to the Judges of the Court of Quarter Sessions of any county in this commonwealth, that any such dam obstructs the navigation or impedes the passage of fish, they shall appoint three commissioners, who shall view such dam and compare it with the provisions of this act, and report to them at their next sessions, the state thereof, and if it shall appear to the said court, that an offence has been committed against this act, the court shall direct a bill of indictment, to be sent to the grand jury, and upon prosecution to conviction of such offence, the person or per-

sons so convicted, shall be liable to pay a fine not exceeding one hundred dollars, one moiety thereof, to the prosecutor, and the other to be applied to the repairing of the roads or highways in the adjoining township or townships, and shall also pay such damages to the person or persons complaining as shall be found by the jury under the direction of the court, and the court shall direct the Supervisors of the highway of the adjoining township, forthwith to remove every such artificial obstruction in such manner as to bring the same within the limitations and provisions of this act at the cost of the person so convicted.

1803.

SECT. III. *And be it further enacted by the authority aforesaid,* That if the owner or owners of any raft, boat or other vessel, or other person having the charge thereof, shall be obstructed or suffer damage, or shall be delayed in his or their passage on any stream within the jurisdiction of this commonwealth, that now is, or hereafter may be declared a public highway, by any dam or dams as aforesaid, or fish dam or any other device whatsoever, made or erected in any stream, which was declared by law to be a public stream or highway, within the jurisdiction of this commonwealth, before the time the damage or obstruction actually happened, it shall be the duty of any Justice of the Peace of the county in which such dam or dams as aforesaid, or fish dam or other device is or are erected, on application of the owner or owners of the raft, boat or other vessel, or of the person having the charge thereof, to cause the owner of such dam or dams or other device, forthwith to appear before him the said Justice, and if on the appearance of the said owner, the parties cannot agree in respect to the damage alleged to be done, or in the choice of referees to determine the same, it shall be the duty of the said Justice, forthwith to appoint three disinterested persons, whose duty it shall be to view the injury so sustained, and inquire into the loss occasioned by delay, and make an estimate thereof on oath or affirmation, if such oath or affirmation is required, by either of the parties, and it shall be the duty of such Justice of the Peace, forthwith to award judgment and issue execution in a summary manner, for the amount, with costs of suit: *Provided, however,* That the said damages so to be recovered, do not in the whole exceed the sum of fifty dollars; but if damages shall be alleged to a greater amount than fifty dollars, the same may be sued for and recovered in the Court of Common Pleas, of the county wherein the said damages shall have been sustained: *And provided also,* That appeals shall be allowed from the judgment of the Justice of the Peace, given for damages as aforesaid, to the Court of Common Pleas as in other cases. (e)

Where the owner of any boat, &c. suffers damage or is delayed by any dam, &c. how the loss is to be estimated, where it does not exceed 50 dollars.

And how the amount to be recovered, where it exceeds that sum.

Recorded in Law Book No. IX. page 19.

(e) This act was returned by the Governor unsigned, with his objections thereto, on the 21st March, 1803,—which reasons are entered at large on the Journals. (See Journals of the House of Representatives, 1802-3, page 526.) The Senate on the same day proceeded to reconsider the same, in pur-

suance of the directions of the constitution. The votes were for passing the bill, 17 against 7—The House of Representatives proceeded to reconsider it on the 23d March, 1803,—when it passed by 56 votes against 23,—so that it became a law, March 23d, 1803.

(Note to former edition.)

1803.

CHAPTER MMCCXLIII.

[See vol. 3,
pa. 422.]

An ACT for establishing and confirming the places for holding the courts of justice, and for erecting the public buildings for the county of Mercer.

WHEREAS in pursuance of an act passed the sixth of April, one thousand eight hundred and two, entitled "An act to establish the places for holding the courts of justice in the counties of Armstrong, Butler and Mercer," it appears that the Governor did appoint Isaac Weaver, John Hamilton, Thomas Morton, James Brady and Presly Carr Lane, esquires, commissioners to perform the duties enjoined and required by said act: And whereas, by the report of said commissioners deposited by them, in the office of the Secretary of the commonwealth, and before the General Assembly, it appears that the said commissioners have performed the duties enjoined and required by the said act: In order therefore to complete and secure to the people of said county of Mercer, the benefits intended in and by the act aforesaid,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That William Mc'Mullin, John Findly, and William Mortimore, be, and they are hereby appointed trustees for the county of Mercer, and the said trustees or a majority of them, are hereby authorized and required to survey or cause to be surveyed, two hundred acres of land, situate on the west side of Otter creek, being the same tract or tracts of land on which John Garver, and a part of the tract on which John Pugh* has been settled by John Hoge, particularly described and set forth in the report of the commissioners, under the act, entitled "An act to establish the place for holding the courts of justice in the counties of Armstrong, Butler and Mercer," and given and granted under an obligation made and executed by John Hoge to the Governor, in trust and to the use of said county of Mercer; and the said trustees, or a majority of them, are hereby authorized and required to lay out a convenient lot or lots of land, within the aforesaid two hundred acres, not exceeding five acres, whereon the public buildings for the use of the county of Mercer shall be erected, and the said lot or lots being so laid out the surplus of the said two hundred acres shall be laid out into town-lots and out-lots, in such manner, and with such streets, not more than one hundred nor less than sixty feet wide, and such lanes and alleys for public uses as the said trustees shall direct; provided not more than eighty square perches, nor less than forty square perches shall be contained in any town-lot, nor more than five acres in any out-lot; and the said town being so surveyed and laid out, shall be called Mercer, and the streets, lanes and alleys so laid out shall be and remain common highways for ever.*

Trustees appointed for the county of Mercer; who are to survey 200 acres of land, on the west side of Otter creek, &c.

To lay out a convenient lot or lots, not exceeding five acres, for the erection of public buildings, &c. and the residue of said 200 acres, into town and out-lots.

Dimensions of the lots;

town to be called "Mercer."

Said trustees to sell the town and out-lots at public auc-

SECT. II. *And be it further enacted by the authority aforesaid, That it shall be the duty of the said trustees, to sell by public auction, the said town-lots and out-lots, at such time as they may judge most*

* *Pue*, in the original.

advantageous to the county, which sale shall be held at the house of John Pugh in the said county, previous to which the said trustees shall advertise the same, three times at least in one or more of the newspapers printed in Pittsburg, Greensburgh, Lancaster and Philadelphia, three months before the day appointed for such sale, and before the advertisements are published as aforesaid, transmit a map or draught of the town-lots and out-lots to the Secretary of the commonwealth, to be deposited in his office; and with the money arising from the sale of the town-lots and out-lots aforesaid, the trustees shall proceed to erect a court-house, gaol, and other necessary public buildings for the use of the county of Mercer: *Provided*, That before said trustees enter on the duties herein enjoined and required of them, they shall demand and receive sufficient deeds, in fee-simple, from the aforesaid John Hoge of the above described two hundred acres of land, in trust for the use of the said county of Mercer, agreeably to the grant of the same heretofore made to the Governor by the said John Hoge, and shall procure the same to be recorded in the office for recording of deeds, for Crawford county, and when the said titles shall be so completed, it shall be the duty of the said trustees, and they are hereby authorized and required, to make out and grant sufficient deeds, in fee-simple, for the town-lots and out-lots by them sold in pursuance of this act.

1803.
tion, having given three months public notice of such sale, and transmitted a plot of the town to the office of the Secretary of the commonwealth, and with the proceeds of such sale to erect the public buildings. But they are first to demand and receive sufficient deeds in fee-simple for the said 200 acres of land in trust; and cause the same to be recorded in the Recorder's office of Crawford county; after which they are to make the necessary conveyances for the lots by them sold, &c.
How long said trustees are to exercise the trusts vested in them and to whom to surrender them.

SECT. III. *And be it further enacted by the authority aforesaid*, That the said trustees shall within two years after the Court of Quarter Sessions of the Peace, and board of commissioners shall have been established and opened by law, in and for the said county of Mercer, surrender and convey to the said commissioners, and their successors in office, in trust for the use of said county, all the trust and trusts vested in them, or a majority of them by this act, and the said commissioners are hereby empowered and required to do and perform all the duties required by this act, and whatever the said trustees may have omitted to do and perform.

SECT. IV. *And be it further enacted by the authority aforesaid*, That the said trustees shall each of them receive one dollar and thirty-three cents, for every day they or either of them shall be necessarily employed in performing the duties of the aforesaid trust, which together with all expenses incurred for assistance, in laying out lots, streets and alleys, shall be paid by the treasurer of the county of Crawford, by order of the commissioners, out of the county taxes levied and collected within the said county of Mercer.

Compensation of the trustees.

SECT. V. *And be it further enacted by the authority aforesaid*, That the said trustees shall as soon as may be, file a return and draft of the survey and their proceedings under and by virtue of this act, in the office of the recorder of deeds, in and for the county of Crawford, or in the said office for the county of Mercer, if such office be then and there established by law.

To file a report of their proceedings, &c. in the recorder's office of Crawford county, &c.

SECT. VI. *And be it further enacted by the authority aforesaid*, That so much of an act, entitled "An act to erect certain parts of Allegheny, Westmoreland, Washington and Lycoming counties, into separate counties," passed the twelfth day of March, one thousand eight hundred, as authorizes the commissioners therein

Part of a former law repealed.

1803. named, to be trustees for the said county of Mercer, be, and the same is hereby repealed and made void.

Passed 24th March, 1803.—Recorded in Law Book No. IX. page 23.

CHAPTER MMCCCLIV.

[Printed at
large, vol. 7,
8vo. pa. 48.]

An ACT to enable the Governor of this commonwealth, to incorporate a company to make an artificial road from the Rising Sun tavern, through Shoemakerstown, to the Red Lion on the old York road.

SECT. 1. [COMMISSIONERS appointed to open books and receive subscriptions for the Cheltenham and Willow-grove turnpike road. Form of subscription. Notice of the times and places of subscription to be published. For what time the books are to be kept open. Commissioners may adjourn from time to time till all the shares are subscribed for; notice of such adjournment to be published: subscribers to pay a deposit of fifteen dollars for every share subscribed. 2. When a certain number of shares, or the whole are subscribed, commissioners to certify the same to the Governor; who shall thereupon incorporate the subscribers, by the name of "The Cheltenham and Willow-grove Turnpike Company," with the usual corporate powers. 3. The commissioners to notify the subscribers to meet in order to organize the corporation; and to choose officers; number of votes limited. 4. The times of annual and special meetings of the company to be on the second Monday in November annually, &c. and powers of the company at such meetings, prescribed. 5. Certificates of shares to be issued on payment of fifteen dollars each; which certificates shall be transferable. 6. Meetings of the president and managers to be at such times as shall be ordained by the by-laws, and proceedings at such meetings, prescribed. 7. Regulations in case stockholders neglect to pay their dividend of capital. 8. The rout or track of the road, declared. No officer of the company to enter on private property without permission. 9. Width of the road to be laid out by the company and the ascent or descent thereof limited, and the road to be for ever kept in repair; the president, managers, &c. shall have power to erect bridges. 10. Mode of proceeding to obtain license to erect turnpike gates. Persons going to and from funerals and places of worship exempted from paying tolls. 11. The company being licensed may appoint toll-gatherers; and the amount of tolls prescribed; penalty for attempting to defraud the company or their officers; penalty on toll-gatherers asking too much toll; and appropriation thereof. 12. Description and burden of waggons and carriages permitted to travel during the several specified seasons. Proviso that these regulations may be altered by by-laws. But not so as to lessen the burdens of carriages. 13. In charging tolls two oxen to be estimated as one horse and every mule as one horse.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good and perfect order for the space of five days, and information

Proceedings
in case the
company do

not keep the
road in good
order.

thereof, shall be given to any Justice of the Peace of the neighbourhood, within the county where the repair ought to be made, such Justice shall issue a precept to be directed to any constable, commanding him to summon three disinterested persons to meet at a certain time, in the said precept to be mentioned, at the place in the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto within the said county, and the said Justice shall at such time and place on the oaths or affirmations of the said persons, enquire whether the said road or any part thereof is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made under the hands of himself and a majority of the said persons; and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said Justice shall certify and send one copy of the said inquisition, to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates shall cease to be demanded, paid or collected, until the said defective part or parts of the said road, shall be put in good and perfect order and repair as aforesaid, and if the same shall not be so put into good and perfect order and repair before the next general Court of Quarter Sessions of the Peace, to be held for the county in which the defect is proved to be, the aforesaid Justices shall certify and send a copy of the inquisition aforesaid, to the Justices of the said Court, and the said Justices shall thereupon cause process to issue, and bring in the body or bodies of the person or persons entrusted by the company, with the care and superintendence of such part of the said road, as shall be so found defective, and shall proceed thereon as in cases of supervisors of the highways for neglect of their duty, and if the person or persons entrusted by the said company as aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall give judgment according to the nature and aggravation of the neglect, as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties, and the fines and penalties so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to repairing the public roads within such township.

SECT. XV. *And be it further enacted by the authority aforesaid,* That if any person or persons whomsoever, owning, riding in, or driving any sulkey, chair or chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, riding or leading any horse, mare or gelding, or driving any hogs, sheep or other cattle, shall therewith pass through any private gates or bars, or along or over any private gates, or bars, or along or over any private passage, way or other ground near to, or adjoining any turnpike, or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company and avoid the payment of the toll or duty, for passing through any such gate or turnpike,

Penalty on
persons at-
tempting to
evade the
payment of
tolls.

1803. or if any person or persons shall with such intent take off, or cause to be taken off, any horse, mare or gelding or other cattle, from any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, or practise any other fraudulent means or device, with the intent that the payment of any such toll, or duty may be evaded or lessened, all, and every person or persons in all or every or any of the ways or manners aforesaid offending, shall for every such offence respectively forfeit and pay to the president, managers and company, of the Cheltenham and Willow-grove turnpike road, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit, before any Justice of the Peace in like manner, and subject to the same rules and regulations as debts of a similar amount may be sued for and recovered : *Provided always*, That if any person or persons shall be prosecuted under this section of the act, and the said prosecution shall not be sustained on the part of the prosecutors, then and in such case, the person or persons prosecuted as aforesaid, shall receive from the company, the sum of ten dollars in lieu of damages arising from delay and a vexatious prosecution, recoverable as other fines under this act.

Proviso in case a prosecution under this section is not sustained by the prosecutors.

SECT. 16. [The president and managers to keep the company accounts of subscriptions, &c. And submit the same to the general meeting of the stockholders ; and if the capital is found insufficient to complete the road it may be enlarged. 17. The president and managers to keep an account of the tolls and declare dividends on the profits. 18. The president and managers to lay an abstract of the accounts before the Legislature, &c. in order to ascertain the clear income ; if the profits do not amount to six per cent. the tolls may be increased ; provision for the extinguishment of the tolls. 19. Posts of direction to be erected.]

Mile-stones to be placed on the side of the road.

SECT. xx. *And be it further enacted by the authority aforesaid*, That the said company shall cause mile-stones to be placed on the side of the said road, beginning at the distance of one mile from said new Rising Sun tavern, and extending thence to the termination of the turnpike aforesaid, whereon shall be marked in plain legible characters, the respective number of miles which each stone is distant from the said tavern, and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from the said tavern, and the distance from the nearest gates or turnpikes in each direction, to be marked in legible characters, designating the number of miles and fractions of a mile on the said gates or some other conspicuous place, for the information of travellers and others using the said road ; and if any person shall wilfully destroy the said posts, boards, index-hands or mile-stones, or deface the same, or deface the directions made on the said gates or other conspicuous places as aforesaid, or shall without permission of the acting superintendant of the said road, throw out upon the said road or within the limits of the same, and suffer to remain for the space of one day, any mould, dirt, shavings, weeds or rubbish of any kind, such person being convicted thereof, by the evidence of one or more creditable and disinterested witness or witnesses, before any disinterested Justice of the Peace of the county, he or she shall be ad-

Penalty on persons destroying or defacing mile-stones, index hands, &c.

or throwing dirt or rubbish in the road ;

judged by the said Justice to pay a fine not exceeding three dollars, to be recovered with costs as debts under five pounds are by law recoverable, which fine when recovered shall be paid by the said Justice to the treasurer of the said company, for the use of said company. 1803. appropriation thereof.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That all waggoners and drivers of carriages of all kinds, whether of burden or pleasure using the said road, shall except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road, in the passing direction, leaving the other side of the road free and clear for other carriages to pass and repass, and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be obstructed in his passage and will sue for the same, to be recovered with costs before any Justice, in the same manner as debts under forty shillings are by law recovered. Drivers to keep the right hand side of the road in the passing direction.

SECT. 22. [The road not commenced in two nor finished in seven years the benefits of this act may be rescinded. 23. The right reserved to the state of purchasing the road.]

Passed 24th March, 1803.—Recorded in Law Book No. IX. page 26.

CHAPTER MMCCCXLV.

An ACT to enable the Governor of this commonwealth, to incorporate a company for making an artificial road from the intersection of Front-street and the Germantown road, in the Northern Liberties of the City of Philadelphia, through Frankford and Bristol, to the ferry at Morrisville, on the river Delaware. Printed at large vol. 7th 8vo. pa. 59.]

SECT. 1. [COMMISSIONERS appointed to receive subscriptions for a turnpike road from Philadelphia to Morrisville; form of subscription; notice to be published; who may subscribe; commissioners may adjourn from time to time until five hundred shares are subscribed; notice of such adjournment to be published. Sum to be paid at the time of subscribing. 2. When and how a patent of incorporation shall be obtained; style of the corporation to be "The President, Managers and Company of the Frankford and Bristol Turnpike Road," with the usual corporate powers. 3. When and how the corporation officers shall be appointed; may make by-laws. Limitation of votes. 4. Times for holding meetings of the corporation to be the second Monday of November, annually, at such place as shall be fixed by the by-laws, &c. 5. Certificates of stock to be prepared and shall be transferable. 6. Times and places of holding the meetings of the president and managers, to be ordained by the by-laws, and their powers and duties declared and prescribed. 7. Penalty for not paying the dividends on subscriptions. 8. Route or track of the road declared. Form and structure of the road prescribed, which shall be for ever kept in repair. Power to erect bridges. 10. Construction of the bridge to be erected over Neshaminy creek prescribed, and penalty for not keeping the same in good repair. 11. Penalty for neglecting to attend the said bridge,

1803: and appropriation thereof. (See, with respect to this bridge, post chap. 2550.) 12. Mode of proceeding to obtain licence to erect turnpike gates. Proviso that no gate shall be erected within the bounds of the boroughs of Frankford or Bristol; and persons attending funerals and places of worship, exempt from paying tolls. 13. The road being completed toll-gatherers to be appointed, and the amount of tolls prescribed; penalty for deceiving toll-gatherers; and appropriation thereof; penalty if toll-gatherers extort more than the act allows; and appropriation. 14. Regulation of the wheels of carriages and the weight to be carried at different seasons, and power of the company to alter these regulations, but not so as to lessen the burdens of carriages. 15. Comparative toll for oxen, mules and horses.]

Proceedings
in case the
road is not
kept in good
repair;

SECT. XVI. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good and perfect order for the space of five days, and information thereof shall be given to any Justice of the Peace of the neighbourhood, such Justice shall issue a precept to be directed to any constable, commanding him to summon three disinterested freeholders to meet at a certain time in the said precept to be mentioned, at the place in the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said Justice shall at such time and place, by the oaths or affirmations of the said freeholders, enquire whether the said road or any part thereof is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made under the hands of himself and a majority of the said freeholders, and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the toll hereby granted to be collected at such turnpikes or gates for passing the interval of road between them shall cease to be demanded, paid or collected until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid, and if the same shall not be so put into good and perfect order and repair before the next General Court of Quarter Sessions of the Peace, to be held for the counties of Philadelphia or Bucks, the aforesaid Justices shall certify and send a copy of the inquisition aforesaid to the Justices of the said court, and the said Justices shall thereupon cause process to issue, and bring in the body or bodies of the person or persons entrusted by the company, with the care and superintendence of such part of the said road as shall be found defective, and shall proceed upon such inquisition in the same manner and form, as upon indictments found by the grand inquest for the body of the county, against supervisors of the highways for neglect of their duty, and if the person or persons entrusted by the said company as aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall give such judgment according to the nature and aggravation of the neglect, as according to right and justice would be proper in the case of supervisors of the highways neglecting their

duties, and the fines and penalties so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to repairing such highways as the township or county is bound to maintain and repair at the public expense thereof. 1803.

appropriation of the penalties.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That if any person or persons whosoever, owning, riding in or driving, any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burthen or pleasure, or owning, riding, leading or driving, any horse, mare, gelding, hogs, sheep or other cattle, shall therewith pass through any private gates or bars, or along or over any private passage, way or other ground near to or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company and avoid the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall with such intent take off, or cause to be taken off, any horse, mare or gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burthen or pleasure, or practise any other fraudulent means or device with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons, in all or every or any of the ways or manners aforesaid offending shall for every such offence respectively, forfeit and pay to the president, managers and company of the Frankford and Bristol turnpike road, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit before any Justice of the Peace, in like manner, and subject to the same rules and regulations as debts under twenty pounds may be sued for and recovered. Penalty on persons attempting to evade the payment of the tolls.

SECT. 18. [The president and managers to keep the company accounts of subscriptions, &c. and submit the same to the general meeting of the stockholders; and if the capital is found insufficient to complete the road, it may be enlarged. 19. The president and managers to keep an account of the monies received and declare dividends on the profits. 20. Accounts to be annually laid before the Legislature in order to ascertain the clear income; if the profits do not amount to six per cent. the tolls may be increased; and provision for extinguishing the tolls. 21. Posts of direction to be erected.]

SECT. XXII. *And be it further enacted by the authority aforesaid,* That the said company shall cause mile-stones to be placed on the side of the said road, beginning at the distance of one mile from the intersection of Front-street and the Germantown road, and extending thence to the termination of the turnpike aforesaid, whereon shall be marked in plain legible characters, the respective number of miles which each stone is distant from the commencement of the said turnpike road, and at every gate or turnpike by them to be fixed on the said road shall cause the distance from Philadelphia, and the distance from the nearest gates or turnpikes in each direction to be marked in legible characters, designating the number of miles and fractions of a mile on the said gates or some other con- Mile-stones to be placed on the side of the road;

1803.

penalty for
defacing in-
dex-posts,
mile-stones,
&c.

or throwing
rubbish in
the road ;

appropria-
tion.

Drivers to
keep the
right hand
side in the
passing di-
rection ;

penalty for
non-compli-
ance.

spicuous place, for the information of travellers and others using the said road, and if any person shall wilfully destroy the said posts, boards, index-hands or mile-stones or deface the same, or deface the directions made on the said gates or other conspicuous places as aforesaid, or shall without permission of the acting superintendent of the said road, throw out upon the road or within the limits of the same, and suffer to remain for the space of one day, any mould, dirt, shavings, weeds or rubbish of any kind, such person being convicted thereof by the evidence of one or more credible and disinterested witnesses, before any disinterested Justice of the Peace of the county, he or she shall be adjudged by the said justice to pay a fine not exceeding five dollars, to be recovered with costs as debts under forty shilling are by law recoverable, which fine when recovered shall be paid by the said justice to the treasurer of the said company, for the use of said company.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That all waggoners and drivers of carriages of all kinds whether of burthen or pleasure, using the said road, shall, except when passing by a carriage of slower draught, keep their horses and carriage on the right-hand side of the said road in the passing direction, leaving the other side of the road free and clear for other carriages to pass and to repass, and if any driver shall offend against this provision he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be obstructed in his passage and will sue for the same, to be recovered with costs before any Justice in the manner as debts under forty shillings are by law recoverable.

SECT. 24. [Limitation of time for commencing and finishing the road. 25. The right reserved to the state of purchasing the road and extinguishing the tolls.]

Passed 24th March, 1803.—Recorded in Law Book No. IX. page 42. (f)

(f) See a supplement to this act, in this volume, passed 7th March, 1805, (chap. 2550.)

CHAPTER MMCCCXLVI.

An ACT to authorize the several Courts of Quarter Sessions within their respective counties, to lay off, alter and divide townships, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the several Courts of Quarter Sessions of the Peace of the commonwealth of Pennsylvania, in their respective counties shall from and after the passing of this act, have authority upon application by petition to them made, to erect new townships, to divide any township already erected, or to alter the lines of any two or more adjoining townships so as to suit the convenience of the inhabitants thereof, and the said several courts in their respective counties upon application so as aforesaid made to them, are hereby authorized and required to appoint three impartial men if necessary to enquire into the propriety of granting the prayer of the petition, and it shall be the duty of said men so appointed, or any two of them, to make

The Courts
of Quarter
Sessions
within the
common-
wealth em-
powered, on
application
made to
them, to
erect new
townships,
&c.

How they
are to pro-
ceed for that
purpose.

a plot or draft of the township proposed to be divided, and the division line proposed to be made therein, or of the township proposed to be laid off, or of the lines proposed to be altered of any two or more adjoining townships as the case may be, if the same cannot be fully designated by natural lines or boundaries, all which they or any two of them shall report to the next Court of Quarter Sessions, together with their opinion of the same, and at the court after that to which the report shall be so made, the court shall confirm or set aside the same as to them shall appear just and reasonable.

SECT. II. *And be it further enacted by the authority aforesaid,* That if the last legal place of settlement of any person or persons under the poor laws of this commonwealth, now is or hereafter shall be in any township divided by virtue of this act, and such person or persons shall become chargeable after the division thereof, he, she or they shall be supported by that township within the territory of which he, she or they resided at the time of gaining the settlement. (*g*)

The last legal settlement of poor persons not to be affected by the division of any township, &c.
[See vol. 1, page 332.]

Passed 24th March, 1803.—Recorded in Law Book No. IX. page 61.

(*g*) The powers given by this act Quarter Sessions. (*Note to former*
appear to have been long previously *edition.*)
thereto exercised by the Courts of

CHAPTER MMCCXLVII.

An ACT to enable the Governor to incorporate a company for making an artificial road, beginning at or near Downingstown, in the county of Chester, to Cornwall furnace, in the county of Dauphin, and from thence to the borough of Harrisburgh.

SECT. 1. [COMMISSIONERS appointed to open books and receive subscriptions for the Downingstown, Ephrata and Harrisburgh turnpike road; form of subscription; notice of the times and places of subscription; who may subscribe, and how long the books shall be kept open; the commissioners may adjourn from time to time until all the shares are subscribed, &c. subscribers to pay a deposit of ten dollars for every share, &c. 2. When a certain number of shares, or the whole, are subscribed, commissioners to certify, &c. to the Governor; who shall thereupon incorporate them by the style and title of "The President, Managers and Company of the Downingstown, Ephrata and Harrisburgh Turnpike Road," with the usual corporate powers. 3. Commissioners to notify the subscribers to meet for the purpose of organizing the corporation; and choosing officers. No person to have more than five votes, but to have a vote for every share he may hold under that number. 4. The times of annual and special meetings of the company, and powers of the company at such meetings, prescribed. 5. Certificates of shares to be issued on part payment; and certificates to be transferable, &c. 6. Meetings of the president and managers and proceedings at such meetings, prescribed; seven

1803. members to form a quorum. 7. Regulations in case of neglect to pay the subscription money. No subscriber to be entitled to vote at any election until the whole of the subscription money is paid. 8. The president and managers, &c. may enter lands, &c. through which the road may pass, to examine the ground, &c. and survey, &c. the route or tracks of said road, &c. 9. The president and managers, &c. may enter lands, &c. to take materials; and modes of estimating the compensation to owners, prescribed. 10. The president, managers, &c. empowered to erect bridges, and shall lay out a road, of a certain width, &c. 11. When turnpikes are to be erected and tolls to be allowed; and proceedings previous thereto. 12. The company to appoint toll-gatherers, &c. and the rates of toll prescribed.]

Penalty for practising frauds with intent to evade the payment of the tolls.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That if any person or persons owning, riding in or driving, any carriage of burden or pleasure as aforesaid, or owning, riding, leading or driving any horse or mule as aforesaid, shall with an intent to defraud the said company, or to evade the payment of any of the tolls or duties aforesaid, pass therewith through any private gate or bar, or along or over any private passage, way, or along or over any other ground or land near to or adjoining any turnpike or gate which shall be erected in pursuance of this act, or if any person or persons shall with the intent aforesaid, take off or cause to be taken off, any horse or other beast, or cattle of draught or burden from any carriage of burden or pleasure, or shall practise any other fraudulent means or device with the intent to evade or lessen the payment of any such toll or duty, all and every such person or persons offending in manner aforesaid shall for every such offence respectively, forfeit and pay to the president, managers and company, any sum not exceeding fifteen dollars, to be sued for and recovered with costs of suit, before any Justice of the Peace, in like manner and subject to the same rules and regulations as debts under twenty pounds may be sued for and recovered.

Proceedings in case the company neglect to keep the road in good order and repair.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good and perfect order and repair for the space of fifteen days and information thereof shall be given to any Justice of the Peace of the proper county, such Justice shall issue a precept to be directed to any Constable, commanding him to summon three judicious freeholders, to meet at a certain time in the said precept to be mentioned, at the place complained of in the said road, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said Justice shall at such time and place by the oaths or affirmations of the said freeholders, enquire whether the said road or any part thereof is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made under the hands and seals of himself and a majority of the said freeholders, and if the said road shall be found by the said inquisition to be out of order and repair according to the true intent and meaning of this act, he shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby grant-

ed to be collected at such turnpikes or gates for the intermediate distance between them shall cease to be demanded, paid or collected until the said defective part or parts of the said road shall be put into good and perfect order and repair as aforesaid, and if any of the keepers of the gates aforesaid, shall take or attempt to exact tolls for the intermediate distance aforesaid, such keeper shall forfeit and pay to the use of the person prosecuting for the same the sum of five dollars, to be recovered as debts under forty shillings are by law recoverable; but if the same shall not be put into good and perfect order and repair, before the next ensuing Court of Quarter Sessions of the proper county, the said Justice shall certify and send a copy of the said inquisition to the Justices of the said court, and the said court shall thereupon cause process to issue, and bring in the bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be found defective as aforesaid, and shall direct a bill of indictment to be sent to the grand inquest against the person or persons entrusted as aforesaid, and upon conviction shall give such judgment according to the nature and aggravation of the neglect as the said court in their discretion shall judge proper: *Provided*, The fine in no instance shall be less than ten dollars, nor exceeding one hundred dollars, and the fines so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said counties, and shall be paid to the Supervisors of the highways of the place where the offence was committed, to be applied to repairing such highways as the township or county is bound to repair, at the public expense thereof.

SECT. XV. [The president and managers to keep the company accounts of subscriptions, &c. and submit the same to a general meeting of the stockholders, &c. 16. The president and managers to keep the account of tolls and declare dividends on the profits, &c. 17. To lay an abstract of their accounts before the Legislature, &c. in order to ascertain the clear income; and if the profits do not amount to six per cent. the tolls may be increased, &c. 18. Posts of direction to be erected, mile-stones to be placed at the side of the road, and printed rates of tolls to be fixed at the turnpikes.]

SECT. XIX. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully break, deface, pull up or prostrate any mile-stones, which shall be placed in pursuance of this act on the side of the said road, or shall obliterate the letters or figures inscribed thereon, and if any person or persons shall wilfully break, pull down, deface, destroy or injure any direction-post which shall be erected in pursuance of this act at the intersection of any road as aforesaid, or the board or index-hand affixed thereto in conformity with the directions of this act, or if any person or persons shall obliterate the letters or figures inscribed or marked thereon, or if any person or persons shall destroy, deface or obliterate the letters, figures or other characters, marked at any turnpike or gate, which shall be erected in pursuance of this act for all or any of the purposes therein mentioned, or the whole or any part of any

Wilfully breaking, defacing or destroying mile-stones, direction-posts or toll-rates.

1803. printed list of the rates of tolls, which shall be affixed in pursuance of the directions of this act at any such gate or turnpike, he or they so offending in the premises shall, and each of them shall for every such offence severally and respectively, forfeit and pay to the said president, managers and company any sum not exceeding twenty dollars, to be sued for and recovered with costs of suit before any Justice of the Peace in manner aforesaid.

Drivers to
to keep the
right hand
side in the
passing di-
rection.

SECT. XX. *And be it further enacted by the authority aforesaid,* That all waggoners, carters and drivers of carriages of all kinds whether of burden or pleasure, using the said road, shall, except when overtaking and passing by a carriage of slower draught, keep their horses and carriage on the right-hand side of the said road in the passing direction, leaving the other side of the said road free and clear for other carriages to pass and repass, and if any waggoner, carter or driver shall offend against this provision he shall forfeit and pay any sum not exceeding ten dollars, to any person who shall by reason thereof be obstructed in his passage and will sue for the same before any Justice of the Peace, to be recovered with costs in like manner as aforesaid.

Forfeiture
for receiving
a higher rate
of toll than
is lawful.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That if any toll-gatherer on the said road shall demand and receive from any person or persons using the said road, any greater or higher rate of toll than by this act is authorized and allowed, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, one-half to the use of the Overseers or Directors of the poor of the township or county, the other half to the use of the person or persons suing for the same, to be recovered before any Justice of the Peace of the county in which the forfeiture shall be incurred.

Retribution
to defendant
where plain-
tiff does not
sustain his
prosecution,
for any pe-
nalty arising
under this
act.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That if in the case of any suit or prosecution which shall be commenced under the directions of this act, for any penalty incurred by the same, whether by or against the said company, their servants or assignees, the said suit or prosecution shall not be sustained by the plaintiff or prosecutor, then and in such case the person or persons prosecuted as aforesaid, shall recover by the judgment of the Justice before whom such suit or prosecution shall be depending, such sum not exceeding the amount of the penalty for which the suit or prosecution shall be commenced, as shall by such Justice be deemed a reasonable retribution for the vexation of such suit or prosecution.

Suits for pe-
nalties to be
brought
within six
months next
after they
were incur-
red.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That no suit or action shall be brought or prosecuted by any person or persons for any penalty incurred under this act unless such suit or action shall be commenced within six months next after the fact committed, and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by the authority of this act.

SECT. 24. [In what cases the Legislature may resume the rights

and privileges granted by this act. 25. When and on what terms the road may be taken into the public management.] 1803.

Passed 24th March, 1803.—Recorded in Law Book No. IX. page 62. (*h*)

(*h*) The Governor is authorized to April, 1809; and for one hundred and subscribe for one hundred shares of fifty shares additional, by act of 2d stock in this company, by act of 4th April, 1811.

CHAPTER MMCCCXLVIII.

An ACT for the relief of Dickinson College. (i)

Passed 24th March, 1803.—Recorded in Law Book No. IX. page 83.

(*i*) By this act the Treasurer of Cumberland county was authorized to pay in advance 6000 dollars, out of the arrearages of state taxes due from that county, not to bear interest for two years after the passing of this act.

Corporation to mortgage 10,000 acres of land, to secure the payment in seven years.—By an act passed February 24th, 1806, this loan was increased to 10,000 dollars, the mortgage directed to be cancelled on the corporation executing a new mortgage upon half of the above lands, to secure the repayment of the money lent, free of interest, five years after passing this act. (*Note to former edition.*)

CHAPTER MMCCCLIII.

An ACT relating to County Treasurers.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, no County Treasurer shall serve in said office longer than three years, in any term of six years.*

County treasurers not to serve longer than three years in any term of six years.

Passed 28th March, 1803.—Recorded in Law Book No. IX. page 93.

CHAPTER MMCCCLIV.

An ACT to incorporate that part of the township of the Northern-Liberties, lying between the west side of Sixth-street and the river Delaware, and between Vine-street and Cohocksink creek.

WHEREAS the inhabitants of that part of the township of the Northern-Liberties, lying between the west side of Sixth-street and the river Delaware and between Vine-street and the Cohocksink creek have petitioned the Legislature to be incorporated: And whereas it appears to the Legislature that many useful regulations and improvements, would be made within the said described parts of the said township, if the same were incorporated: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the inhabitants of that part of the township of the Northern-Liber-*

The inhabitants of a part of the

1803.

Northern-
Liberties in-
corporated :
style of the
corporation ;

to have per-
petual suc-
cession and
empowered
to acquire
and hold real
estate, &c.

Invested
with certain
powers inci-
dent to a
corporation.

Fifteen com-
missioners
to be chosen
and time and
place of
choosing
them ;

to be divided
into three
classes and
how long
each class
shall serve,
&c.

ties, lying between the west side of Sixth-street and the river Delaware, and between Vine-street and the Cohocksink creek, be, and they and their successors for ever are hereby constituted a corporation and body politic, in fact and in law, by the name and style of "The Commissioners and Inhabitants of that part of the township of the Northern-Liberties lying between the west side of Sixth-street and the river Delaware, and between Vine-street and Cohocksink creek ;" and by the same name shall have perpetual succession, and they and their successors shall at all times for ever be able and capable in law, to have, purchase, take, receive, possess and enjoy, lands, tenements and hereditaments, liberties, franchises and jurisdictions, goods, chattels and effects to them and their successors for ever, or any other or less estate, and the same lands, tenements and hereditaments, goods, chattels and effects ; to grant, bargain, sell, alien and convey, mortgage, pledge, charge and incumber, or demise and dispose of at their will and pleasure : *Provided always*, That no sale be made of any of the lands, tenements or hereditaments, except such as hereafter may be acquired, and that no part of the estate be mortgaged or incumbered, for any sum exceeding the amount of three years taxes within the said incorporated district, nor for a longer term than three years.

SECT. II. *And be it further enacted by the authority aforesaid*, That the said corporation by the name and style aforesaid, are and forever shall be able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all Courts of Record and elsewhere, in all manner of actions, suits, complaints, pleas, causes and matters whatsoever, and to do and execute all and singular, other matters and things that to them as a body politic and corporate in law and in fact shall and may appertain, and for that purpose shall have and use one common seal, and the same from time to time shall and may at their will and pleasure change and alter, deface and make anew.

SECT. III. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the inhabitants living within the said described parts of the township of the Northern-Liberties, who are or shall be qualified agreeably to the constitution and laws of this state, to vote for members to serve in the General Assembly, to meet together at the town-house, situate within the limits of the said corporation, between the hours of ten in the morning and eight in the evening, on the first Saturday of May next, and then and there to choose by ballot, out of such of the inhabitants residing within the limits of the said corporation, who according to the constitution and laws of this state may be members of the House of Representatives thereof, in the manner prescribed for choosing members in the said House of Representatives, fifteen suitable persons in the district aforesaid, to serve as commissioners in and for the said incorporated district ; and the five persons who shall have the greatest number of votes, shall be commissioners for three years next following, and the five persons who shall have the next greatest number of votes, shall be commissioners for two years next following, and the five persons who shall have the next or third greatest number of votes, shall be commissioners for one year thence

next following; and that on the first Saturday in May, which will be in the year one thousand eight hundred and four, and so on the first Saturday in May annually for ever, five persons shall be chosen as aforesaid, to serve as commissioners in the said district for the term of three years: *Provided always*, That no person shall be excluded from being elected on account of his having before filled the office of commissioner: *And provided also*, That in all cases where in the number of votes shall be equal for to two or more candidates, the preference shall be decided by lot, to be drawn by the inspectors of the election. 1803.

Where two or more are equal in vote, how the preference is to be decided.

SECT. IV. *And be it further enacted by the authority aforesaid*, That all elections to be held in pursuance of this act, shall be conducted by three inspectors, who shall be appointed at the same place where the commissioners are to be elected as aforesaid, by the electors then assembled, within one hour preceding the election of the said commissioners, and each of the inspectors so appointed shall take an oath or affirmation before some Justice of the Peace of the county, before entering on the duties in and by this act enjoined, well and faithfully to discharge the same according to the best of his skill and abilities. By whom elections are to be superintended.

SECT. V. *And be it further enacted by the authority aforesaid*, That all elections to be held in pursuance of this act, shall be held and conducted, except as in and by this act is otherwise directed, in the same and like manner as in and by the laws of this commonwealth, is or shall be directed for holding the general elections for persons to serve in the House of Representatives, under and subject to the same rules and penalties. And in what manner conducted.

SECT. VI. *And be it further enacted by the authority aforesaid*, That when each election so had and held in pursuance of this act shall be closed, and the number of votes for each person shall be ascertained, the Judges of the election as aforesaid or a majority of them, shall prepare and make under their respective hands and seals a return thereof, containing the names of the commissioners elect, with the number of votes in favour of each, and shall within two days after the closing of each election, give notice in writing to each of the commissioners elect of their respective elections, and shall also deliver or cause to be delivered the said return, together with the tickets, list of names, tally-papers and other documents, sealed up to the said commissioners elect, at the times and places in and by this act appointed for them to meet and receive the same. Of making returns of election;

and giving notice to the commissioners elect.

SECT. VII. *And be it further enacted by the authority aforesaid*, That the fifteen persons who shall at the next election to be held in pursuance of this act, have the highest number of votes for the office of commissioners (or on an equality of votes by lot) shall meet together at the said town-house between the hours of nine and eleven o'clock in the forenoon, of the fourth day next following the said election, that the five persons who shall at every subsequent election have the highest number of votes for the said office of commissioner, together with the ten commissioners whose time shall not have expired, shall meet together at the place aforesaid between the hours of nine and eleven in the forenoon, on the fourth day Commissioners to meet together to receive the returns of their election, &c. time and place of meeting, &c.

1803. next following each and every election to be held in pursuance of this act, and then and there shall receive the said returns of commissioners elect, and shall forthwith proceed to examine the same and to judge and determine thereon, and for that purpose the said commissioners so met or a majority of them, shall be Judges of the said elections, and shall have full power and authority to approve thereof or to set aside the same, and to order new elections as the law may require, to be held in the manner herein before directed, and at such times as shall be by them appointed, of which they shall give at least six days notice, by handbills posted up in at least ten of the most public places within the said incorporated district.

Commissioners to take an oath of office, &c.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That each and every commissioner who shall be elected and returned, and whose election shall be approved in manner aforesaid, shall, before he enters on the duties of his said office, take a solemn oath or affirmation before some Justice of the Peace of the county, well and faithfully to execute the office of a commissioner of said district, and shall thereupon without any further or other commission enter upon the duties thereof, and shall hold and exercise the same for the term for which he shall have been elected as aforesaid.

Commissioners misbehaving how to be proceeded against.

SECT. IX. *And be it further enacted by the authority aforesaid,* That if any commissioner of the said district shall misbehave in his said office, or shall fail or neglect well and faithfully to discharge the duties thereof, it shall and may be lawful for any number, not less than ten of the said commissioners, on the petition and complaint in writing of thirty electors of the said district, fifteen of whom shall be freeholders, to remove in a summary way any such commissioner from his said office: *Provided nevertheless,* That the said petition and complaint in writing shall fully and minutely state, all the causes assigned for such removal, and no other cause whatever shall be assigned, heard or enquired into: *And provided also,* That a copy of the said petition and complaint, with a notice of the time and place appointed for hearing and enquiring into the same, shall be served on such commissioner, at least ten days before any such hearing or enquiry shall be made.

To have notice of the charges alleged against them and time and place of hearing.

Of elections to supply vacancies.

SECT. X. *And be it further enacted by the authority aforesaid,* That in case two or more vacancies shall happen by death, resignation, removal or otherwise, a majority of the board of commissioners may appoint special elections for supplying such vacancies, and for that purpose a writ from under the hand of their president, and seal of the corporation shall issue, directed to the proper officers, and every special election, shall be held and conducted, and the proper return thereof made in manner and form as is herein before directed for the general election and the persons so legally chosen shall be commissioners for the remainder of the time, that the commissioners in whose places they were elected had been elected for.

What shall be a quorum to do business;

SECT. XI. *And be it further enacted by the authority aforesaid,* That a majority of the whole of the said commissioners shall be a quorum for transacting all business, except for the purchase and sale of real estate, for the mortgaging or incumbering of the same,

or for borrowing any money as aforesaid, for which purposes the concurrence of ten members shall be essential, and the said commissioners shall receive no compensation for their services.

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commissioners to receive no compensation for their services. Empowered to appoint inspectors and measurers of cord-wood;

SECT. XII. *And be it further enacted by the authority aforesaid,* That the said commissioners when assembled together for that purpose, shall have full power and authority to appoint a suitable person or persons, under such security and penalties as to them may appear necessary, for the inspection and measurement of all cord-wood that may be landed, or offered for sale within any part of the said district; and to make, ordain and establish such and so many laws, ordinances and regulations not inconsistent with the constitution and laws of this commonwealth, as shall be necessary and convenient for the purposes of ascertaining the tolls and rates of wharfage, for all articles brought to public landings belonging to the said incorporated district, for directing the conduct of all persons concerned in buying, selling or acting on any part of the estate belonging to the said corporation, for fixing the compensations of the officers appointed by the said commissioners for their respective services, for lighting, watching, watering, pitching, paving, repairing and cleansing the streets, lanes and alleys, and the same to enforce, put in use and execution by the proper officers under such penalties as they may prescribe, and at their pleasure to annul, alter and make anew: *Provided always,* That nothing herein contained shall vest in the said commissioners an authority to regulate the prices of property or labour.

and to make the necessary ordinances, regulations, &c.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the Court of Quarter Sessions of the Peace for the county of Philadelphia, shall have and they are hereby vested with full power and authority, to enquire of, hear, try and determine, all offences which shall be committed within the said incorporated district, contrary to this act, or against any of the laws, ordinances or regulations that shall be made, ordained or established in pursuance of this act, and to punish the offender or offenders as by the said laws, ordinances or regulations shall be prescribed or directed, except where the fines, penalties or forfeitures shall not exceed the sum of twenty dollars, which shall be recoverable before any Justice of the Peace of the county, residing within the said incorporated district: *Provided always,* That if any person or persons shall think him, her or themselves aggrieved by any judgment to be given as aforesaid, it shall and may be lawful for such person or persons, at any time within the space of six days next following the date of such judgment, to appeal therefrom to the next Court of Common Pleas or Quarter Sessions of the county of Philadelphia, he, she or they first entering into recognizance, with at least one sufficient security in the sum of forty dollars to prosecute the said appeal with effect, and to abide the order of the court, or in default thereof to be sent by mittimus to the sheriff of the county by him to be kept until he, she or they perform the judgment of the court, or be otherwise legally discharged.

How offences committed within the incorporated district are to be tried and punished.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That such and so many of the said laws, ordinances and regulations as shall not be published in one or more of the public newspapers,

Manner of publishing the laws and ordinances

1803.

of the corporation ;

and without such publication they are to be null and void.

The publication to be proved before they are recorded.

Commissioners to limit and direct the depth of vaults, wells, &c.

penalty on digging them of greater than the limited depth.

Commissioners to appoint regulators.

Who are to set out the foundations and regulate party walls, &c.

The first builder of a party wall to be reimbursed, &c.

published in the said district or in the city of Philadelphia, and in hand-bills printed in German and English, and posted up in not less than ten of the most public places in the district aforesaid, within ten days from and after their being severally passed, ordained and established, and also recorded in the office of the recorder of deeds for the county of Philadelphia, who shall be allowed and paid for recording thereof, at the same rate as is allowed the master of rolls for recording the laws of this commonwealth, within thirty days from and after their being so as aforesaid passed, ordained and established, shall be null and void.

SECT. XV. *And be it further enacted by the authority aforesaid,* That before any of the said laws, ordinances, regulations and constitutions, shall be so as aforesaid recorded, the publications thereof respectively shall be proved by the oath or solemn affirmation of some credible person, which oath or affirmation shall be recorded therewith, and at all times be deemed and taken as sufficient evidence of the time of such publications.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That the said commissioners shall have full power and authority to limit, direct and appoint the depth of all vaults, wells and sinks hereafter to be dug within the said district, for privies or necessities, which regulations being so made as aforesaid, shall be published and recorded, and the publication proved in the same manner, and within the same period as is herein before directed ; and if any person or persons shall dig or cause to be dug, any such vault, well or sink for privies or necessary houses, of any greater depth than shall be limited or appointed as aforesaid, every such person or persons so offending and being thereof legally convicted, in the Court of Quarter Sessions of the Peace for the county of Philadelphia, shall forfeit and pay the sum of one hundred dollars, to be appropriated towards defraying the contingent expenses of the said corporation, and the said vaults, wells and sinks shall be filled up, at the expense of the owners.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That no person or persons shall lay any foundation or party wall within the said district, before they shall have applied to two or more of the regulators appointed by the said commissioners, who are hereby required and empowered to appoint three or more discreet and skilful persons for that purpose.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That the said regulators upon application to them made, shall have full power and authority to enter upon the land of any person or persons, in order to set out the foundations and regulate the walls to be built between party and party, as to the breadth or thickness thereof, which foundation shall be laid equally upon the lands of the persons, between whom such party walls are to be made ; and the first builder shall be reimbursed one moiety of the charge of such party wall, or so much thereof as the next builder shall have occasion to make use of, before the next builder shall use or break into the said wall, the charge or value whereof to be fixed by the said regulators, or by arbitrators mutually chosen.

SECT. XIX. *And be it further enacted by the authority aforesaid,* 1809.

That all appeals hereafter made from the order, direction and award of the said regulators, shall be taken and made, and shall lie to the next Court of Common Pleas, to be holden for the county of Philadelphia, within one calendar month from the time of making the order, direction or award appealed from, but not afterwards nor otherwise, whereupon the said court upon security being entered by the party appealing, for the payment of all costs in case he or she should not prevail in his or her appeal, shall direct a venire to the sheriff of the county, commanding him to summon a jury to try the matter in dispute, and shall proceed therein according to law.

Appeals where and within what time to be made.

SECT. XX. *And be it further enacted by the authority aforesaid,* That if any person or persons shall lay, or begin to lay the foundation of any party wall, or wall adjoining to or upon the line of any public street, lane or alley, or shall erect any frame building within the said incorporated district, without first applying to the said regulators, and having the lines and boundaries of the said lot or piece of ground whereon the said foundation is or ought to be laid, or frame building erected, surveyed and marked out, or if after having the lines and boundaries surveyed and marked out as aforesaid, shall neglect or refuse to build agreeably thereto, and shall extend such foundation or building a greater distance beyond the same than is allowed by law, without an appeal therefrom, unless determined otherwise on an appeal, in either case every such person employed, as well as master-builder, shall forfeit and pay the sum of forty dollars, to be recovered as debts under twenty pounds are by law recoverable, one half thereof to be appropriated to the use of the commissioners aforesaid, for the purpose of defraying the contingent expenses of the corporation, and the other half to the informer, with costs, provided the prosecution be commenced within one year, from the time the offence shall be committed.

Penalty on laying the foundation of party walls on the line of any public street, &c. without first applying to the regulators, &c.

mode of recovery and application of the penalty.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That the regulators appointed as aforesaid, shall enter in a book all directions, orders and awards by them made in pursuance of this act, and every such order and award if made with reasonable notice to the parties interested shall be conclusive, unless the same be set aside upon appeal as aforesaid, which book shall be provided and kept by the said commissioners, and shall be under their direction: *Provided always,* That no person under age, non compos mentis, feme covert, imprisoned or beyond sea, or who shall not have notice as aforesaid, shall be injured or affected by any proceeding, order, direction or award, until the expiration of three years after their coming to full age, returned from beyond sea, discovery, being at large, of sound memory, or if within the United States until the expiration of one year after notice in writing, within which period his, her or their appeal may be entered and prosecuted as aforesaid.

Regulators to keep a minute of their orders, &c. which shall be conclusive after reasonable notice, unless appealed from.

Proviso in favour of persons non compos mentis, &c.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That all lands and landing places, tenements, hereditaments, ferries, wharves, market-stalls, rights, franchises, liberties, privileges, goods, chattels and effects whatsoever, whereof any person or persons or bodies politic or corporate are seized or possessed, or which they or any of them hold and enjoy, in trust for or to and for the use of

Property vested in the corporation;

for whose use.

1803. the inhabitants of the said district, to which the said inhabitants are entitled, be, and they are hereby severally and respectively vested in the said corporation or body politic, and their successors in and by this act established, by the name, style and title aforesaid, to and for the use and benefit of the said inhabitants and their successors for ever, saving nevertheless to all and every person and persons, and bodies politic and corporate, his, her, and their rights therein.

Treasurer to
give bond,
&c.

Condition
thereof.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That the treasurer of the said commissioners before he undertakes his office, shall give bond with two sufficient sureties to the commissioners, in such penalty as they from time to time may judge proper, conditioned that he will well and faithfully execute his office, keep regular accounts of his receipts and disbursements, pay all the orders drawn on him by the said commissioners, or a majority of their board, as soon as sufficient monies shall come to his hands, from any of the funds under the direction of the commissioners, and that he will once in every year, or oftener if thereunto required, settle and adjust with the said commissioners a full and just account, supported with proper vouchers of all his receipts and payments during the preceding time, and that upon his death or the appointment of another treasurer in his room, which the said commissioners or a majority of their board are hereby authorized to do, whenever they see cause, he, his executors or administrators, shall settle and adjust all his accounts with the said commissioners, and pay the remaining balance in his hands to his successor in office, charging for his trouble no more than shall be allowed him by the said commissioners.

Repeal of
parts of cer-
tain laws,
&c.

SECT. XXIV. *And be it further enacted by the authority aforesaid,* That so much of all and every act or acts as directs, authorizes or requires any matters or things to be done and performed, by commissioners, regulators or surveyors within the said incorporated district, or by any other person or bodies politic or corporate to manage its concerns, shall from the fourth day after the election of the commissioners, by this act constituted a body politic and corporate, be null and void, excepting the three first sections of the act, entitled "An act to authorize the inhabitants of the Northern Liberties within a certain described part thereof, to regulate the streets, lanes and alleys within the same, and for other purposes therein mentioned," passed April the seventeenth, one thousand seven hundred and ninety-five, which said three first sections shall remain in as full force as if this act had not been passed, and the surveyors and other officers or persons acting in pursuance thereof, shall proceed to the final completion of the survey, and general regulation therein contemplated and directed, which said survey and general regulation when confirmed, according to the form and manner expressed in the said three first sections, shall remain obligatory upon and unalterable by the said corporation and board of commissioners constituted by this act: *Provided nevertheless,* That nothing herein contained shall bar, prevent or in any manner impede the recovery of any sum or sums of money, or of any other matter or thing for the recovery whereof suits have been or may be instituted, but the same may be carried on by the said commissioners hereby incorpo-

Proviso as
to suits
brought, &c.

rated, to final judgment, execution and recovery: *And provided* 1803.
further, That all and every matter and thing that has been commenced, begun or entered upon by the said commissioners or regulators, or either of them, in pursuance of the powers and authorities in them vested, shall be of the same force and effect as if this act had not been passed, and may from and after the time last mentioned, be proceeded in and carried into effect, as fully as the same might or could have been done by the said commissioners, or regulators, or either of them, had this act not been passed, and for this purpose all contracts and agreements made or entered into by the said commissioners or regulators, or either of them, in pursuance of the powers in them legally vested, previously to the time last aforesaid, shall be equally binding upon the commissioners, and upon the person or persons with whom the same have been or shall be made, as if the same had been originally made and entered into by and between them: *Provided also*, That nothing contained in this act, shall in any wise prevent the supervisors of the township, from assessing and collecting such taxes otherwise by law directed, as may be necessary for the repairing and improving the highways in the said township.

Nothing in this act to affect the collection of certain taxes.

SECT. XXV. *And be it further enacted by the authority aforesaid*, That the said commissioners shall have full power and authority, to pave or cause to be paved, the footways and gutters within the said incorporated district, or so much thereof as they shall deem necessary, with brick or flat stones as the case may require, and shall plant or cause to be planted curb-stones or posts, as to them may appear proper, to prevent the said pavements or gutters from being injured by carriages, agreeably to the regulations made and established, or to be made and established by the surveyors in pursuance of an act, entitled "An act to authorize the inhabitants of the Northern Liberties within a certain described part thereof, to regulate the streets, lanes and alleys within the same, and for other purposes therein mentioned," passed April the seventeenth, one thousand seven hundred and ninety-five; and shall assess the freeholders in front of whose ground such footways shall be paved, in order to defray the expense of paving and keeping the same in repair, in proportion to their respective extents of front; and the said commissioners shall have full power and authority, upon the application of two-thirds of the freeholders, on any street, lane or alley, to establish lamps and a nightly watch, in such street, lane or alley, the expense to be defrayed by an assessment agreeably to the county rates and levies, within the district so lighted and watched, and upon like application shall have full power and authority, to pitch and pave any street, lane or alley within the said district, provided the said street, lane or alley, so required to be paved, be not less in length than one, nor exceeding two squares at any one time, and the owners of land in front of which such street is pitched and paved, shall be taxed in proportion to the extent of the respective fronts of their property, within the street so pitched and paved: *Provided always*, That all and every owner or owners of ground, shall have the privilege of paving the footway on their own fronts as aforesaid, so that they have it completed within one month, after due notice in

Further powers of the commissioners.

1803.

writing being given for that purpose by the said commissioners, or by any person by them appointed: *And provided further*, That no person shall be obliged to pave any footway, to a greater breadth than four feet in front, of any lot whereon a dwelling-house shall not be erected.

Commissioners to determine on the necessity of fees, fix their compensation, &c.

SECT. XXVI. *And be it further enacted by the authority aforesaid*, That for the well governing of the said district, and the ordering the affairs thereof, there shall be such officers therein, and at such salaries or compensation as the commissioners shall direct, each and every of such officer shall nevertheless before entering on the duties of his said office, take a solemn oath or affirmation, well and faithfully to perform and execute the same.

Fund for repairing and cleansing the streets within the limits of the corporation, &c.

SECT. XXVII. *And be it further enacted by the authority aforesaid*, That the Supervisors of the highways of the aforesaid township, shall pay annually into the hands of the Treasurer of the said corporation, one-third part of the monies by them collected for the repairs of the public highways, which sum shall be appropriated by the before mentioned commissioners, for the purpose of repairing and cleansing the streets within the district aforesaid, and for paving the intersections thereof.

Commissioners empowered to lay an assessment, &c.

to what purpose to be applied.

They shall appoint collectors of taxes, &c.

keep an account of all assessments, &c.

how they are to be collected;

when and to whom paid.

Commissions to collectors. Not to exceed five per cent.

Accounts of receipts and expenditures to be published annually by the commissioners, &c.

SECT. XXVIII. *And be it further enacted by the authority aforesaid*, That the said commissioners shall have full power and authority, to lay yearly and every year, any rate or assessment not exceeding twenty-five cents in every hundred dollars, of the clear value of all the real and personal estate within the said district, to be applied to the purpose of carrying this act into execution, and for defraying the expense of repairing the pumps already erected, and which may hereafter be erected by the inhabitants, and to appoint collectors of all taxes by this act made payable, from whom adequate security shall be taken, and all rates and assessments being fairly made, shall be transcribed in a book to be kept by the said commissioners, and a duplicate thereof shall be delivered to the said collectors, by them to be appointed from among the inhabitants of the said district, who are hereby authorized, enjoined and required, to receive, collect and recover, the rates and assessments in the same manner and form, and by the same legal remedies which are by law appointed, for recovering and collecting the county taxes in the said township, and having received or collected the same or any part thereof, shall at the end of every month from the time of his appointment, or when thereunto required, account with and pay to the person whom the said commissioners shall appoint their Treasurer, all such sums of money which they shall have so collected during the preceding months, deducting therefrom such commissions as shall have been agreed upon, at the time of entering security: *Provided*, Such commissions do not exceed five per centum, on all monies so received or collected.

SECT. XXIX. *And be it further enacted by the authority aforesaid*, That the said commissioners shall cause all accounts of receipts and expenditures of money, to be published up to the thirty-first day of December, inclusive, in each and every year, within three months thereafter, and the vouchers in support of all charges may be viewed at any reasonable hour, by any taxable inhabitant residing within

1803.

the bounds of the corporation who may demand the inspection thereof, and the said commissioners shall also keep regular minutes of their proceedings, which may be examined by like persons, and at like times as the accounts aforesaid: *Provided*, That no inspection thereof shall be permitted, until three months after making such minutes respectively, unless ten commissioners, the names of whom shall be entered on the minutes, consent thereto.

SECT. xxx. *And be it further enacted by the authority aforesaid*, That all and every person or persons, bodies politic or corporate, who are or shall be seized or possessed of any lands, tenements and hereditaments, goods, chattels, monies and effects whatsoever, which they or any of them hold or enjoy, in trust for or to and for the use of the inhabitants of the said incorporated district, to which the said inhabitants are entitled, shall, on reasonable request, deliver the same to the said commissioners, together with all deeds, writings, evidences, books and papers, touching and concerning the same, with proper assignments where the same shall be necessary, and just, true and fair accounts thereof; and whosoever shall fail therein, shall be liable to be sued for the same, and shall moreover forfeit and pay to the said commissioners, any sum of money not exceeding twelve hundred dollars, to be sued for and recovered in any Court of Record, and to be applied to the use of the inhabitants of the said district, and upon trial any inhabitant of the said district, shall be a competent witness on behalf of the said commissioners.

All property real or personal of the corporation to be delivered to the commissioners on request made;

penalty on persons failing to make such delivery, &c.

SECT. xxxi. *And be it further enacted by the authority aforesaid*, That no misnomer of the said corporation, shall defeat or annul any gift, grant, devise or bequest, to or from the said corporation: *Provided*, The intent of the parties shall sufficiently appear on the face of the gift, grant, will or other writing, whereby any estate or interest was intended to pass to or from the said corporation, nor shall any disuser or nonuser of the rights, liberties, privileges, jurisdictions and authorities hereby granted to the said corporation, or any of them, create or cause a forfeiture thereof.

Misnomer of the corporation not to defeat any gift, &c. to or from the same where the intent is apparent; and disuser or nonuser of their privileges, &c. not to cause a forfeiture, thereof.

SECT. xxxii. *And be it further enacted by the authority aforesaid*, That as often as any doubts shall arise touching this act, the same shall in all courts of law and equity and elsewhere, be construed and taken most favourably for the said corporation.

This act to be construed favourably for the corporation.

Passed 28th March, 1803.—Recorded in Law Book No. IX. page 94.

CHAPTER MMCCCLV.

An ACT directing Sheriffs and Coroners to give sufficient sureties for the faithful execution of their official duties, and for other purposes.

WHEREAS the public security requires that Sheriffs and Coroners should give sureties, proportioned to the trusts confided, for the faithful execution of their official duties: And whereas the existing laws, relating to this subject, are defective, inadequate and inapplicable to the greater number of the counties within the commonwealth: Therefore,

1803.

Sheriffs to
enter into re-
cognizance
and give
bond with
sureties, &c.

to what
amount the
Sheriffs of
the respec-
tive counties
shall become
bound.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the Sheriff of each and every of the following counties, before he shall be commissioned or execute any of the duties of his office, shall enter into a recognizance, and become bound in an obligation with at least two sufficient sureties, in the sums and manner herein after mentioned, to wit: The Sheriff of the city and county of Philadelphia, in the sum of sixty thousand dollars; the Sheriff of the county of Bucks, in the sum of fifteen thousand dollars; the Sheriff of the county of Chester, in the sum of twenty thousand dollars; the Sheriff of the county of Lancaster, in the sum of twenty-five thousand dollars; the Sheriff of the county of York, in the sum of fifteen thousand dollars; the Sheriff of the county of Berks, in the sum of twenty thousand dollars; the Sheriff of the county of Cumberland, in the sum of fifteen thousand dollars; the Sheriff of the county of Northampton, in the sum of fifteen thousand dollars; the Sheriff of the county of Bedford, in the sum of eight thousand dollars; the Sheriff of the county of Northumberland, in the sum of fifteen thousand dollars; the Sheriff of the county of Westmoreland, in the sum of ten thousand dollars; the Sheriff of the county of Washington, in the sum of fifteen thousand dollars; the Sheriff of the county of Fayette, in the sum of ten thousand dollars; the Sheriff of the county of Franklin, in the sum of ten thousand dollars; the Sheriff of the county of Montgomery, in the sum of fifteen thousand dollars; the Sheriff of the county of Dauphin, in the sum of fifteen thousand dollars; the Sheriff of the county of Luzerne, in the sum of seven thousand dollars; the Sheriff of the county of Huntingdon, in the sum of eight thousand dollars; the Sheriff of the county of Allegheny, in the sum of ten thousand dollars; the Sheriff of the county of Mifflin, in the sum of eight thousand dollars; the Sheriff of the county of Delaware, in the sum of eight thousand dollars; the Sheriff of the county of Lycoming, in the sum of five thousand dollars; the Sheriff of the county of Somerset, in the sum of five thousand dollars; the Sheriff of the county of Greene, in the sum of five thousand dollars; the Sheriff of the county of Wayne, in the sum of six thousand dollars; the Sheriff of the county of Adams, in the sum of eight thousand dollars; the Sheriff of the county of Centre, in the sum of five thousand dollars; the Sheriff of the county of Crawford, in the sum of five thousand dollars; and the Sheriff of each and every new county, which shall hereafter be erected and organized, in the sum of five thousand dollars, and for every representative to whom the said new county shall be entitled in the General Assembly, more than one, an additional sum of four thousand dollars; and the Coroner of each and every county before he shall execute any of the duties of his office, shall enter into a similar recognizance and become bound in a similar obligation with at least two sufficient sureties in like circumstances, in one fourth of the sum, which shall be by law required from the Sheriff of the same county, "That he will well and truly perform all and singular the duties to the said office of Coroner appertaining."

SECT. II. *And be it further enacted by the authority aforesaid,* 1803.

That the said recognizances and bonds shall be taken and duly recorded by the Recorder of deeds of the proper county; and when so taken and recorded shall be by him endorsed, as duly recorded, and forthwith transmitted to the Secretary of the commonwealth, who shall file the same in his office, copies whereof, under the hand and seal of office of the said Secretary or Recorder shall be admitted as legal evidence in any suit or suits that shall be brought thereon against the cognizors or obligors, their heirs, executors or administrators respectively; but before any such bond shall be so as aforesaid taken or recorded, the sufficiency of the sureties therein named, shall be submitted to and approved of by the Judges of the Court of Common Pleas of the proper county, or any two or more of them for that purpose convened; and no commission shall be afterwards granted before the Governor shall have also approved of the sufficiency of the sureties aforesaid.

Said recognizances and bonds to be taken and recorded by the Recorder of deeds of the proper county and transmitted to the Secretary of the commonwealth, and by him filed; authenticated copies to be received in evidence; the sureties to be first approved by the Justices of the Common Pleas; and before commission issues, by the Governor. Form of recognizance;

SECT. III. *And be it further enacted by the authority aforesaid,* That the recognizance of the Sheriff shall be taken by the Recorder of the proper county, in the following form, to wit: "You A. B. C. D. and E. F. do acknowledge that you owe unto the commonwealth of Pennsylvania,

_____ dollars, to be levied and made of your several goods and chattels, lands and tenements, upon condition that if you A. B. shall and do without delay, and according to law, well and truly serve and execute, all writs and process of the commonwealth of Pennsylvania, to you directed, and shall and do from time to time, upon request to you for that purpose made, well and truly pay, or cause to be paid, to the several suitors and parties interested in the execution of such writs or process, their lawful attornies, factors, agents or assigns, all and every sum and sums of money to them respectively belonging, which shall come to your hands, and shall and do from time to time, and at all times during your continuance in the office of Sheriff of the county of _____

_____, well and faithfully execute and perform all and singular, the trusts and duties to the said office lawfully appertaining, then this recognizance to be void, or else to be and remain in full force and virtue, taken and acknowledged the _____ day of _____, in the year of our Lord, one thousand eight hundred and _____, before me G. H. Recorder in and for the county of _____;

and the obligation of the Sheriff and his sureties shall be in the form following, to wit: "Know all men by these presents, that we A. B. C. D. and E. F. are held and firmly bound unto the commonwealth of Pennsylvania, in the sum of _____

_____ dollars, to be paid to the said commonwealth, for the uses, intents and purposes declared and appointed, in and by an act entitled "An act directing Sheriffs and Coroners to give sufficient sureties for the faithful execution of their official duties, and for other purposes," to which payment well and truly to be made and done, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents, sealed with our seals, and dated the _____ day of _____, in the year of our Lord, one thousand eight hundred and _____: The condition of the above obligation is such, that if the said A. B. after he shall be

form of the obligation.

1803. duly commissioned Sheriff of the county , for the term of , from and after the second Tuesday of October in the year last aforesaid, shall and do without delay according to law, well and truly serve and execute all writs and process of the said commonwealth to him directed, and shall and do from time to time upon request to him for that purpose made, well and truly pay or cause to be paid to the several suitors and parties interested in the execution of such writs or process, their lawful attornies, factors, agents or assigns, all and every sum and sums of money to them respectively belonging, which shall come to his hands, and shall and do from time to time, and at all times during his continuance in the said office of Sheriff, well and faithfully execute and perform all and every of the trusts and duties to the said office appertaining, then this obligation to be void or else to be and remain in full force and virtue :” *Provided always nevertheless*, That no such recognizance or obligation shall be of any force or effect, if a commission shall not be afterwards granted to the person, who with proper sureties shall have executed or acknowledged the same, in the manner prescribed by this act.

The recognizance to operate as a lien on the real estate of Sheriffs, Coroners and their sureties;

how Sheriffs and Coroners are to be proceeded against.

Within what time suits against the sureties of Sheriffs, &c. are to be commenced.

Until surety is entered, no act of Sheriff or Coroner to be valid.

Sheriffs, &c. appointed to supply vacancies to give security in a sum proportioned to

SECT. IV. *And be it further enacted by the authority aforesaid*, That all the lands, tenements and hereditaments, which such Sheriffs, Coroners and their sureties shall possess, or be entitled to in every county within this commonwealth, shall be bound by recognizance taken in manner aforesaid, as effectually as a judgment to the same amount in the Court of Common Pleas of all the counties aforesaid, might or could now bind the same, and whenever the commonwealth, or any individual or individuals shall be aggrieved by the misconduct of any Sheriff or Coroner, it shall and may be lawful, as often as the case may require, to institute actions of debt or of scire facias upon such recognizance against such Sheriff or Coroner, and their sureties, their heirs, executors or administrators, or actions of debt upon such obligations against such Sheriff or Coroner, and their sureties, their heirs, executors or administrators, and if upon such suits it shall be proved what damage hath been sustained, and a verdict and judgment shall be thereupon given, execution shall issue for so much only as shall be found by the said verdict and judgment with costs, which suits may be instituted and the like proceedings be thereupon had, as often as damage shall be so as aforesaid sustained: *Provided always*, That such suit or suits against such sureties, their heirs, executors or administrators, shall not be sustained by any court of this commonwealth, unless the same shall be instituted within five years after the date of such obligation or recognizance.

SECT. V. *And be it further enacted by the authority aforesaid*, That until sureties shall be given in manner aforesaid, all commissions granted to, and all acts and things whatsoever done by any such Sheriff or Coroner, under colour of office, shall be void and of none effect.

SECT. VI. *And be it further enacted by the authority aforesaid*, That whenever a vacancy shall happen in the office of Sheriff or Coroner, which is to be filled by a new appointment in the manner prescribed, by the first section of the sixth article of the constitu-

tion of this commonwealth, the person about to apply so to be commissioned, shall enter into a recognizance, and give an obligation with sureties to be approved by the Governor, in manner aforesaid, for a sum proportioned to the time for which the commission is to be granted. 1803.
the time for which they are appointed.

SECT. VII. *And be it further enacted by the authority aforesaid,* That if any Sheriff of the city and county of Philadelphia, or of any other county within this commonwealth, shall be legally removed from his office, or die before the expiration of the term for which he shall have been commissioned, the coroner of the proper county shall execute the office of Sheriff, and all things thereunto appertaining, until another Sheriff shall be duly commissioned, and notice thereof shall be given to the Coroner then exercising the office of Sheriff, and the security and pledges given by every Coroner in pursuance of this act, shall be a security to the commonwealth, and to all persons whomsoever for the faithful discharge and due performance of all the duties required by law from such Coroner. In case of the removal or death of a Sheriff, Coroner to execute the office of Sheriff until another be appointed, &c.

SECT. VIII. And whereas the process by distringas is dilatory and expensive, and it is necessary to provide some adequate remedy therein, to prevent the delays of Sheriffs and others in the duties of their respective offices: *Be it therefore enacted by the authority aforesaid,* That the court out of which any writ of distringas vice-comitem, or distringas nuper vice-comitem, or other writ of distringas, proceeds, may by a rule for that purpose made, order and direct that the issues levied from time to time shall be sold, and the money arising thereby be applied in the first instance to pay such costs to the plaintiff, as the said court shall think just, under all the circumstances, to order, and have the remainder thereof in court to be retained until the defendant shall have appeared, or other purpose of the writ be answered, or to be rendered to the plaintiff for his debt, damages and costs where the same shall be ascertained: *Provided,* That where the purpose of a writ is answered, the said issues shall be returned, or if sold, what shall remain of the money arising by such sale shall be repaid to the party distrained upon. Application of the issues on a distringas, &c.

SECT. IX. *And be it further enacted by the authority aforesaid,* That whether a demand for that purpose shall be made or not, it shall be the duty of every Sheriff, his deputy or agent, immediately after the receiving of any of his fees or of a bond, or other written security therefor, to deliver a bill of particulars, specifying the several items contained therein, and the amount thereof, to give the party so paying or securing the payment of any fees, a receipt in full therefor, to endorse on such written security when taken, that the same was given for fees, and to sign the endorsement so to be made, and if any Sheriff, his deputy or agent shall neglect to give such receipt, or make such endorsement in the manner directed by this act, on conviction thereof before the Court of Quarter Sessions of the proper county, he shall forfeit and pay any sum not exceeding fifty dollars to the party injured, who is hereby declared to be a competent witness to prove such neglect. Sheriffs to give a bill of particulars of their fees, and on payment, a receipt, whether the same be demanded or not:
penalty on failing to do so.

SECT. X. *And be it further enacted by the authority aforesaid,* That within six months after the passing of this act, the Sheriff of every county within this commonwealth, shall publish and set, and Sheriffs to fix up in a conspicuous part of their

1803.

offices the
9th section
of this act,
&c.

keep up in some conspicuous part of his office, the ninth section of this act, for the inspection of all persons having business in such office, on pain of forfeiting for each day the same shall be missing, through the said Sheriff's neglect, the sum of ten dollars, which penalty may be recovered in any Court of record, one half to the use of the informer, and the other half to the use of the county, wherein the offence shall be committed.

Repeal of
such laws as
are hereby
altered or
supplied, &c.

SECT. XI. *And be it further enacted by the authority aforesaid, That so much of every former act of assembly as is hereby altered or supplied, be, and the same is hereby repealed and annulled: Provided always, That nothing in this act contained, shall ever be so construed, as to impair, or in any manner affect any obligations, bonds, recognizances or other securities, heretofore made, given or acknowledged, or in any degree to prevent or obstruct the recovery of any monies, fines, forfeitures, penalties, debts or demands due or accruing, by virtue of any former act or acts or parts thereof, which are hereby repealed and annulled.*

Passed 28th March, 1803.—Recorded in Law Book No. IX. page 112.

CHAPTER MMCCCLVII.

[See vol. 1,
pa. 332, and
the notes
thereto.]

An ACT for the consolidation and amendment of the laws, as far as they respect the Poor of the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties.

Time, places
and manner
of appointing
guardians of
the poor of
the city of
Philadelphia
the district
of South-
wark and
the North-
ern Liber-
ties, and the
number to
be appoint-
ed;

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the corporation of the city of Philadelphia, in Select and Common Council assembled, the corporation of the district of Southwark, and the Justices of the Peace of the township of the Northern Liberties, or a majority of them, shall meet on the third Monday in May next, at three o'clock in the afternoon, at the several places herein after mentioned; that is to say, the Select and Common Councils of the city of Philadelphia shall meet in the City Hall at the time aforesaid, and by the joint vote of said Councils elect, viva voce, sixteen substantial house-keepers, inhabitants of the said city, and the corporation of the district of Southwark shall, at the same time, meet in the Commissioners' Hall, in the said district, and then and there elect in manner aforesaid, six substantial house-keepers, inhabitants of said district, and the Justices of the Peace in the Northern Liberties, or a majority of them, shall at the time aforesaid, meet at the town-house in the Northern Liberties, and then and there elect eight substantial house-keepers, in manner aforesaid, who shall be inhabitants of said township, to be guardians of the poor in the said city, district and township, and the said Select and Common Council, the corporation of Southwark, and the Justices of the Northern Liberties, shall forthwith direct their respective clerks to give notice in writing to each of the persons so chosen, of their appointment, within two days thereafter, and after the appointment of Managers as hereinafter directed, who shall be taken*

notice there-
of in writing
to be given
to the per-
sons chosen
within two
days after
their ap-
pointment;

1803.

in the ratio aforesaid, as near as may be from the city, district and township aforesaid, the whole number of guardians remaining shall be equally divided by lot, so that one half, as near as may be, of those for the city, district and township, shall be included in said equal division, which one half of said whole remaining number, shall continue in office for six calendar months, and no longer, and the other half shall continue until the twenty-first day of May, one thousand eight hundred and four, and no longer, and on the third Monday in November next, or within ten days thereafter, the corporation of the city, the corporation of the district of Southwark, and the Justices of the Peace of the township of the Northern Liberties, or a majority of them; shall again meet, at the several places in the respective districts before mentioned, at three o'clock in the afternoon, and then and there in manner aforesaid, elect and constitute successors to serve for one year, in the stead of those who shall go out of office, and so every third Monday in May, and every third Monday in November annually thereafter, the said corporation of the city of Philadelphia in Select and Common Council assembled, the corporation of the district of Southwark, and the Justices of the Peace of the Northern Liberties, or a majority of them, shall meet as aforesaid, and appoint one half of the said guardians to supply the place of those who shall go out of office, (including those appointed as managers when their times shall expire) yearly, in order that there may be always some experienced persons in office; and if any guardian shall die or remove out of the said city, district or township, for which he may have been elected, before the expiration of his office, the president of the board of guardians shall without delay, after having received satisfactory information of the death or removal of any such guardian, direct and cause such vacancy to be supplied within ten days after such information, so by him received, in manner before directed and pointed out: *Provided always*, That all elections for guardians of the poor, in manner aforesaid, shall be conducted with open doors.

after the appointment of managers, the remaining number of guardians to be divided by lot into two classes, one of which to go out of office at the end of six months and the other to remain in office till the 21st of May, 1804.

of electing successors to serve for one year in the stead of those going out of office, &c,

How vacancies occasioned by death or removal are to be supplied,

Every guardian to take an oath or affirmation before entering on the duties of his office;

penalty for neglecting or refusing to take such oath or affirmation.

None but citizens to be appointed guardians.

Guardians of the poor created a body politic; their style, privileges and powers.

SECT. II. *And be it further enacted by the authority aforesaid*, That every guardian elected in manner before directed, shall within ten days after his appointment, and before he enters upon the execution of his office, take an oath or affirmation according to law, which the Mayor or Recorder or any of the Aldermen in the said city, or Justice of the Peace in the said district or township, is hereby authorized to administer, that he will discharge the office of guardian of the poor truly, faithfully and impartially, to the best of his knowledge and ability, and in case of neglect or refusal to take the necessary oath or affirmation, for the faithful execution of said office, within the time aforesaid, he shall forfeit and pay the sum of sixty dollars, for the use of the poor of the said city, district and township aforesaid: *Provided always*, That no person shall be appointed a guardian of the poor, of the said city, district or township aforesaid, who is not a citizen in this state.

SECT. III. *And be it further enacted by the authority aforesaid*, That the said guardians of the poor for the time being, shall be a body politic and corporate in law, by the name of "The Guardians of the Poor of the City of Philadelphia, the district of Southwark

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and township of the Northern Liberties," with all the privileges, powers and faculties of a body politic and corporate, and by that name may take and hold all the estate real and personal, now vested in the present guardians of the poor of the city, district and township aforesaid, and also any other real estate, to them and their successors, not exceeding the value of sixteen thousand dollars, and take and hold goods and chattels to them and their successors, be the said real or personal estate conveyed to them, by gift, grant, bequest, or other alienation whatever, and may sue and be sued, plead and be impleaded, in courts of record or any other place whatever, and make such laws, rules and orders, as shall appear to them or a majority of them, to be useful and necessary for the government of the said corporation, its officers, estates, property and the business and affairs in general of the same : *Provided*, That such laws, rules and orders be not inconsistent to the constitution and laws of this state, or of the United States.

Of appoint-
ing mana-
gers to su-
perintend
the alms-
house and
house of em-
ployment.

how long
they shall
serve ;

Their places
to be sup-
plied by a
new elec-
tion ;

powers of
the mana-
gers, their
books to be
at all times
open to the
inspection of
the guar-
dians of the
poor ;

what duties
they are to
be exempted
from ;

the guar-
dians, who
are not ma-
nagers, to
be exempted
from the du-
ties of ju-
rors ;

qualification
of the mana-
gers ;

vacancies by
death, &c.
how to be
supplied.

SECT. IV. *And be it further enacted by the authority aforesaid*, That the said guardians of the poor or a majority of them, shall meet at the house of employment on the fourth Monday in May next, and appoint eight of their number, four to be taken from the said city, two from the said district, and two from the said township, in order to superintend the alms-house and house of employment in the said city, who shall forthwith after their appointment, divide themselves by lot into two classes, the time of service of the first class shall end at the expiration of six months, and that of the second class at the expiration of one year from their first appointment, and on the fourth Monday in May and November annually, the places of those whose time of service has expired, shall be supplied by a new election of persons, in the proportion aforesaid for one year, from the body of guardians of the poor, so that four shall be appointed every six months ; and the said eight managers shall exercise all the authorities of the present managers of the said institution, not inconsistent with the provisions and regulations of this act ; the books of the managers shall at all times be open to the inspection and examination of the guardians of the poor at the alms-house, and the said managers shall during their continuance in office, be exempted from all other duties of office required of the guardians, and from the duties of jurors ; and the whole duties of the guardians shall be performed by the remaining guardians who are not managers, who shall also be exempted from the duties of jurors during their continuance in office ; the said managers shall also, previously to their entering on the execution of the office of manager, respectively take an oath or affirmation according to law, which the mayor or recorder, or any alderman of the said city, or justice in the said district or township, is hereby empowered to administer, that he will discharge the office of manager truly, faithfully and impartially, to the best of his knowledge and ability ; and if any manager shall die, remove out of the said city, district and township, or become insolvent before the time for which he was appointed shall expire, his place shall be supplied by a new election, to be made by the guardians and managers aforesaid, or a majority of them.

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SECT. V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said managers or a majority of them, having first obtained the approbation of any four of the said Aldermen, and two of the Justices of the said district, and two from said township, to make and lay a rate or assessment, not exceeding one hundred cents in the hundred dollars at any one time, upon the value of all the real and personal estate within the said city, district and township respectively, and not more than three dollars per head on every freeman, not otherwise rated for his estate in every one hundred cent tax, and so in proportion for any lesser rate on the county assessment of the city, district and township aforesaid.

The managers empowered under certain conditions to lay an assessment not exceeding a given amount.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the said managers, or a majority of them, with the approbation of the said Aldermen and Justices, in laying the rates as aforesaid, shall be guided by the county assessment, made or to be made on other occasions, having due regard to every man's estate within the said city, district and township, so to be rated and assessed, and shall enter such rates fairly in a book, of which a fair duplicate signed by the said managers or a majority of them, shall be delivered to the Aldermen and Justices aforesaid, who shall allow the same, if they find it just and reasonable, without fee or reward, and shall permit any inhabitant to inspect the rates, at all reasonable times without any fee or reward, and shall give copies on demand, being paid at the rate of four cents for every twenty-four names, and if any such manager shall not permit any inhabitant to inspect, or shall refuse to give copies as aforesaid, he shall forfeit three dollars to the party aggrieved, to be recovered as debts under forty shillings are directed by law to be recovered.

How they are to proceed in laying said assessments.

SECT. VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said guardians of the poor, and managers of the alms-house, or a majority of them, at a general board, to appoint and employ fit persons, who are citizens residing in the city of Philadelphia, the district of Southwark, or the township of the Northern Liberties, to be receivers and collectors of the poor tax, and taxes assessed or imposed, or hereafter to be assessed or imposed upon the inhabitants of the said city, district and township, for the use and benefit of the poor thereof, which said receivers and collectors so to be appointed, shall actually reside within the district wherein they are empowered to collect, and shall, with two freehold sureties to be joined therein severally, make and execute a bond or bonds unto the said guardians of the poor, in a sum equal to double the amount of his or their duplicate, with a condition or conditions thereunto severally annexed and underwritten, for the true and faithful performance of all and singular, the duties and services which shall or may be lawfully imposed upon and required, from such collector or collectors respectively, which said bonds the guardians aforesaid shall forthwith file in the prothonotary's office, and after being so filed, are hereby declared to be and operate from the time of filing the same, as a judgment or judgments, upon the lands, tenements, goods, chattels and effects of the said receivers, collectors and their sureties, until the final adjust-

The guardians of the poor and managers of the alms-house empowered to appoint collectors of the poor tax;

who shall reside within the district wherein they are empowered to collect, and shall give bond for the faithful performance of their duties, &c.

1803. ment, settlement and discharge of the said receivers and collectors, for or on account of their respective duplicates.

Powers and duties of the collectors of the poor tax,

to give notice to the taxables requiring them to pay their tax;

how they are to proceed to collect the tax where the payment of it is neglected;

to keep an account of all monies rated and collected by them, &c.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the said collector or collectors to be appointed as aforesaid, shall and may from time to time, levy and raise from and upon all and every the said inhabitants of the city, district and township aforesaid, and of and from their respective estates, chattels and effects, all such sums of money as shall be lawfully assessed and imposed upon the said inhabitants respectively, or their respective estates, chattels and effects, for the use and benefit of the poor, and it shall be the duty of the receivers or collectors of the poor taxes, immediately on being furnished with their respective duplicates, to give two months notice to the taxable inhabitants, residing within the district wherein he is appointed, to collect the said tax, requiring them to pay the same to him within two months, and all those who shall have neglected to call and pay their tax within the time aforesaid, shall be called upon by the collector in person, at least once at their respective dwellings or places of abode, and demand payment of the said tax, and in case of non-payment thereof, he shall leave a written or printed notice, stating the sums respectively due, with information that if the said tax is not paid within thirty days from the date of such notice, that their goods, chattels and effects, will be levied upon and distrained therefor, which goods, chattels and effects so levied upon and distrained, shall be irrepleviable by the person or persons from whom the tax may be due, and may be removed by the said collector, to his own dwelling house or elsewhere within the district, and sold at public sale by the said collector, within ten days after the distress so as aforesaid made, five days notice of such sale being first publicly given; and it shall be the duty of the said collector, when and as often as he shall seize and make distress as aforesaid, and he is hereby enjoined to furnish and deliver at the time of making such distress, to the owner or owners of the goods so seized or distrained, a just, true and perfect inventory of the goods, chattels and effects so as aforesaid distrained, and to furnish to the owner or owners as aforesaid, a true and perfect account of the amount of the sales of said goods, chattels and effects, so as aforesaid distrained and sold, and if any surplus should be and remain after payment of the taxes due, and reasonable costs and charges incident to the sale, then and in such case the collector aforesaid, shall pay over to the owner or owners aforesaid, the said surplus, and in case of neglect or refusal to pay over the said surplus within three days after such sale if demanded, the collector shall forfeit and pay a sum not exceeding ten per cent. to be calculated upon the said surplus, to be recovered together with such surplus before any Alderman or Justice, any law, usage or custom to the contrary in any wise notwithstanding; and it shall be the duty of the said collector or collectors, to keep an exact account of all sums of money rated and collected by them, and of all such sums of money as are rated and not collected by them, and the examination and final settlement of the accounts of the said collector or collectors shall belong to the said managers and guardians of the

poor, who shall have full power and authority to allow and deduct such parts thereof only, as to them shall seem just and reasonable.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the said managers and guardians of the poor, or a majority of them, shall annually appoint one of their own body, removable at their pleasure, to act as treasurer of the said corporation, to whom the collector or collectors shall pay once in every week, and render an account of all sums of money which they shall respectively have received, for or on account of the said poor tax, and the said treasurer shall give a receipt or receipts to such collector or collectors, for the money which he or they shall from time to time pay to him, which said receipt or receipts shall be a good and sufficient discharge, to the said collector or collectors, for so much money as may be therein expressed to have been received; it shall also be the duty of such treasurer to pay out of the money belonging to the said corporation in his hands, all such orders as may be lawfully drawn on him, by order of the board of managers or guardians as the case may be, and before he enters on the execution of his office, he shall become bound to the said guardians of the poor, with two or more sufficient freehold sureties, in an obligation of twenty thousand dollars, conditioned for the true and faithful discharge of his said office, and that at the expiration thereof, or his removal from the same, he will well and truly pay and deliver over to his successor, all the money, books, accounts, bonds and other papers belonging to the said corporation, which shall then be remaining in his hands or possession, and no person shall be capable of holding the said office of treasurer longer than three years, in any term of six years.

Managers and guardians of the poor, annually to appoint from their own body, a treasurer, &c.

his duties;

before he enters on the execution of his office, to give bond, &c.

SECT. X. *And be it further enacted by the authority aforesaid,* That the said guardians of the poor, or a majority of them, shall appoint a proper person, removable at their pleasure, with a salary or compensation not exceeding the yearly sum of four hundred dollars, and it shall be the duty of the said officer to attend the general meetings of the said guardians of the poor, to keep fair minutes of their transactions, and generally to do and perform all such other duties as may be enjoined on him by the said corporation, but before he enters on the execution of his office, he shall become bound to the said guardians of the poor, with one or more sufficient freehold sureties, in an obligation of two thousand dollars, conditioned for the true and faithful discharge of his said office, and at the expiration thereof, or his removal from the same, he will deliver over to his successor all the books, accounts and other papers belonging to the said corporation, which shall then be remaining in his hands, custody or possession.

Said guardians shall appoint a clerk with a salary not exceeding 400 dollars;

who before entering on the duties of his office, shall give bond, &c.

SECT. XI. *And be it further enacted by the authority aforesaid,* That any of the said guardians of the poor, may with the consent of any Alderman of the said city, or Justice of the Peace residing in the said district or township, afford relief to the sudden necessity of any poor person, not exceeding eight dollars within three months, and it shall be the duty of the said guardian to state the circumstances of such case to the next general meeting of the guardians,

Of affording relief to the sudden necessities of the poor, &c.

1803. and the said guardians, or a majority of them, shall take measures to have such poor person or persons removed to the place of legal settlement.

Powers of two guardians to furnish relief in cases of emergency;

to report such cases, with their proceedings therein to the next meeting of the general board of guardians, &c.

The managers empowered to put out poor children as apprentices, &c. and also to bind out by indenture disorderly persons, &c.

SECT. XII. And whereas it frequently happens that cases suddenly arise, that require immediate relief and assistance, without the possibility of having the person or persons immediately removed to the alms-house and house of employment: for remedy whereof, *Be it enacted by the authority aforesaid,* That in all such cases, two of the guardians of the poor shall and may personally visit the person or persons so suddenly and immediately requiring relief and assistance, his, her or their family; and if in the opinion of such guardians so visiting as aforesaid, the person or persons, his, her or their family or families require immediate assistance, and that he, she or they cannot with safety and convenience to themselves, be immediately removed to the alms-house and house of employment, then and in all such cases, the said guardians shall and may furnish to such person or persons, his, her or their family or families, such reasonable and moderate relief as he, she or they may require, from day to day, until the next meeting of the general board of guardians, when the said guardians so furnishing relief aforesaid, shall and they are hereby enjoined to report the case or cases, together with the circumstances and the amount of relief furnished, after which it shall be the duty of the said general board to take the premises into consideration, and order and direct a continuance of the relief and assistance in manner and form aforesaid, or direct and order the person or persons so as aforesaid relieved, to be forthwith removed to the alms-house and house of employment, and in case the general board shall be of opinion, that the person or persons so as aforesaid visited and relieved, shall be removed to the alms-house and house of employment, and if the said person or persons shall refuse to be so removed, then and in such case from and immediately after such refusal, no further or other relief shall be furnished or allowed to such person or persons, his, her or their family, other than in the house aforesaid.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the managers aforesaid, or a majority of them, to put out as apprentices to some trade or calling, all poor children, that is the children of such poor persons, who are dead without leaving property or kindred to provide for their children, or who if living shall be found unable to maintain them, males to the age of twenty-one and females to the age of eighteen years, and also with the approbation of any two aldermen of the said city, or Justices of the Peace residing in the said district or township, to bind out by indenture or deed-poll, any disorderly persons who by their own lewdness, drunkenness or evil practices have fallen sick and become chargeable to the said city, district and township, to any master or mistress, and his and her assigns, who will advance and pay such consideration for such service as the said managers or a majority of them shall think fit to accept for the same: *Provided always,* That no married man or woman, nor any person of the age of forty years and upwards, shall be liable to be bound by indenture or deed-poll as aforesaid, and that such binding shall

not be for a longer term than will be sufficient to reimburse the guardians of the poor, the expenses incurred on account of such person, and so as the same do not exceed in the whole the space of three years.

What persons shall be admitted or entered on the poor books.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That no person or persons shall be admitted or entered in the poor book of the said alms-house and house of employment, but those who have legal settlement, or where they have not procured security to repay the expenses, nor before such person or persons shall have procured an order, signed by at least two of the said guardians of the poor, who shall thereon state the reason and cause of such order, which shall be laid before the board of managers when they shall next sit, who shall determine thereupon as they shall think proper.

SECT. XV. *And be it further enacted by the authority aforesaid,* That if any person appointed to be one of the guardians of the poor within this corporation, not having before served therein as aforesaid, shall refuse or neglect to take upon himself the said office, he shall forfeit sixty dollars to the said corporation, for the use of the poor of the said city, district and township, to be levied by warrant issued by the Mayor of the city of Philadelphia, or of two Justices of the township of the Northern-Liberties or the district of Southwark; and if any guardian of the poor shall remove from said city, district and township, he shall before such his removal, deliver over to some other guardian of the poor of the said city, district or township, his accounts, books, papers, money and other things concerning his office, and upon the death of any guardian, his executors or administrators shall within forty days after his decease, or within forty days after they undertake the execution of the will, or administration of the estate of such deceased guardian, deliver over all things concerning his office to some other guardian as aforesaid, and shall also pay out of the assets all monies remaining due which he received by virtue of his office before any of his other debts are paid, saving funeral charges.

Penalty on guardians of the poor, not having before served, refusing or neglecting to serve in said office;

in case of the removal or death of any guardian, all books, papers, &c. to be delivered to some other guardian, &c.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That if any person who shall come to inhabit in the said city, district or township, shall for himself and on his own account, execute any public office being legally placed therein, in the said city, district or township, during one whole year, or if any person shall be charged with, and pay his or her share towards the public taxes or levies for the poor of the said city, district or township, for two years successively, or if any person shall really and *bona fide* take a lease of any lands or tenements in the said city, district or township, of the yearly value of ten pounds, and shall dwell in or upon the same for one whole year, at one and the same time, and pay the said rent, or shall become seized of any freehold estate in any lands or tenements in the said city, district or township, and shall dwell in or upon the same for one whole year, or if any unmarried person not having children or child, shall be lawfully bound or hired as a servant in the said city, district or township, and shall continue and abide in such service during one whole year, or if any person shall be duly bound an apprentice by indenture, and shall inhabit

What shall be deemed gaining a legal settlement within the city, &c.

1803. in the said city, district or township, with his or her master or mistress for one whole year, such persons in any of these cases shall be adjudged and deemed to gain a legal settlement in the said city, district or township.

How indent-
ed servants
shall gain a
legal settle-
ment, &c.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That every indentured servant legally and directly imported from Europe into this state, who shall serve with his or her master or mistress in the said city, district or township, sixty days immediately after his or her arrival, or who after having so served in any other place within the state, shall duly serve any master or mistress in the said city, district or township, for the space of one year, shall obtain a legal settlement therein, and all mariners and every other healthy person coming from Europe into this state, shall gain a settlement in the said city, district and township, in the same manner as is herein before directed.

Place of legal settle-
ment of mar-
ried women.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That any married woman shall be deemed during coverture and after her husband's death, to be legally settled in the place where he was last legally settled, but if he shall have no known legal settlement, then she shall be deemed, whether he is living or dead, to be legally settled in the place where she was last legally settled before her marriage.

Persons re-
moving from
any borough,
&c. into the
city, &c. and
producing a
certificate
from the
overseers of
the poor of
the place
from whence
they remov-
ed, &c. how
to be provid-
ed for, &c.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That if any person or persons shall, after the publication of this act come out of any borough, township or place within this state, into the said city, district or township of the Northern-Liberties there to inhabit and reside, and shall at the same time procure, bring and deliver unto the guardians of the poor in the said city, district and township, a certificate under the hands and seals of the overseers of the poor of the borough, township or place whence he, she or they removed, to be attested by two or more credible witnesses, thereby acknowledging the person or persons mentioned in the said certificate, to be an inhabitant or inhabitants legally settled in that borough, township or place, every such certificate having been allowed of and subscribed by one or more Justices of the Peace of the county where such borough, township or place doth lie, shall oblige the said borough, township or place to provide for the persons mentioned in the said certificate, together with his or her family as inhabitants of that place, whenever he, she or they shall happen to become chargeable, or be obliged to ask relief of the said city, district and township, and then and not before it shall and may be lawful for any such person, and his or her children though born in the said city, district or township, and his or her servants and apprentices, not having otherwise acquired a legal settlement therein, to be removed, conveyed and settled in the borough, township or place whence such certificate was brought, and the witnesses who attest the execution of the certificate by the overseers, or one of the said witnesses, shall make oath or affirmation according to law, before the Justice or Justices who are to allow the same, that such witness or witnesses did see the overseers of the poor, whose names and seals are thereunto subscribed and set, severally sign and seal the said certificate, and the names of such witnesses attesting the

said certificate are of their own proper hand-writing, which said Justice or Justices shall also certify, that such oath or affirmation was made before him or them, and every such certificate so allowed, and oath or affirmation of the execution thereof so certified by the said Justice or Justices, shall be taken and received as evidence without other proof thereof, and no person so coming by certificate into the said city, district or township, nor an apprentice or servant to such person shall be deemed or adjudged by any act whatsoever, to have gained a legal settlement therein, unless such person shall after the date of such certificate, execute some public annual office being legally placed therein, in the said city, district or township.

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SECT. XX. *And be it further enacted by the authority aforesaid,* That no person whomsoever who shall come into the said city, district or township, without such certificate as aforesaid (mariners and other healthy persons coming from Europe as aforesaid excepted) shall gain a legal settlement therein, unless such person shall give security if required, at his or her coming into the same, or within three months thereafter, for indemnifying and discharging the said city, district and township, to be allowed by any one alderman of the said city, or Justice of the Peace residing in the district or township aforesaid.

No person coming into the city, &c. without such certificate to gain a legal settlement, except, &c.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That upon complaint being made by the guardians of the poor of the said city district and township, to any one or more of the aldermen of the said city, or to one or more of the Justices of the Peace of the county residing in the said district or township, that any person or persons therein, is or are likely to become chargeable, it shall and may be lawful to and for any two Aldermen of the said city, or any two Justices of the Peace of the county residing in the said district or township, by their warrant or order directed to the said guardians of the poor, to remove and convey such person or persons to the borough, township, state or place where he, she or they was or were last legally settled, unless such person or persons shall give sufficient security to discharge and indemnify the said city, district and township: *Provided always,* That if any person or persons shall think him, her or themselves aggrieved, by any order of removal made by any of the said Aldermen or Justices, such person or persons may appeal to the next Mayor's Court for the said city, or the next Court of Quarter Sessions of the Peace for the said county, from whence such poor persons shall be removed and not elsewhere, which said court shall determine the same, and if there be any defects of form in such order, the Magistrates or Justices composing such court, shall cause the same to be rectified and amended without any costs to the party, and after such amendment shall proceed to hear the truth and merits of the cause, but no such order of removal shall be proceeded upon unless reasonable notice be given by the said guardians of the poor, unto the overseers of the borough, township or place from which the removal shall be, the reasonableness of which notice shall be determined by the court to which the appeal is made, and if it shall appear to such court that reasonable time of notice was not given, then the appeal shall be adjourned to their next sessions, when and where the same shall be finally determined.

Proceedings, where poor persons are likely to become chargeable.

Persons feeling themselves aggrieved may appeal to the next Mayor's Court or Court of Quarter Sessions, &c.

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Method of
proceeding
for prevent-
ing vexa-
tious remo-
vals and fri-
volous ap-
peals, &c.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That for the more effectual prevention of vexatious removals and frivolous appeals, the Mayor's Court for the city, or the Court of Quarter Sessions for the county of Philadelphia, upon any appeal concerning the settlement of any poor persons, or upon any proof before them there to be made, of notice of any such appeal to have been given by the proper officer, to the guardians of the poor of the said city, district and township, or to the overseers of the poor of any borough, township or place, (though they did not afterwards prosecute such appeal) shall at the same sessions, order to the party in whose behalf such appeal shall be determined, or to whom such notice did appear to have been given, such costs and charges as by the said court in their discretion shall be thought most reasonable and just, to be paid by the guardians, overseers or any other persons against whom such appeal shall be determined, or by the person that did give such notice, and if the person ordered to pay such costs and charges shall live out of the jurisdiction of the said court, any Justice of the Peace where such person shall inhabit, shall on request to him made, and a true copy of the order for the payment of such costs and charges, certified under the hand of the clerk of the court, by his warrant, cause the same to be levied by distress, and if no such distress can be had, shall commit such person to the common gaol, until he pays the said costs and charges or be otherwise legally discharged; and if the said court on such appeal shall determine in favour of the appellant, that such poor person was unduly removed, they shall at the same session order and award to such appellant, so much money as shall appear to them to have been paid by the city, district, borough, township or place on whose behalf such appeal was made, towards the relief of such poor person, between the time of such undue removal and the determination of such appeal with the costs aforesaid, the said money so awarded, and the costs to be recovered in the same manner as costs and charges awarded against an appellant, are to be recovered by virtue of this act as aforesaid.

Any old per-
sons, infants,
maimed, &c.
being im-
ported into
the city, &c.
the measures
to be taken
to have them
removed or
to indemnify
the city, &c.
against their
becoming
chargeable.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That upon information given to the Mayor or Recorder of the city of Philadelphia, for the time being, together with one of the Aldermen of the said city, or to any two Justices of the Peace of the county of Philadelphia, residing in the said district of Southwark, or the township of the Northern Liberties, that any old persons, infants, maimed, lunatic, or any vagabond or vagrant persons are imported, come, or are brought within the said city, district or township, the said Mayor or Recorder, and Aldermen as aforesaid, or any two Justices of the Peace for the county of Philadelphia, residing in the said district or township, shall cause such aged person, infants or impotent, or vagrant persons to be brought before them, and if upon examination they shall judge, that such person or persons are likely to become chargeable to the said city, district or township, it shall and may be lawful for the said Mayor, or Recorder or Aldermen, or two Justices of the Peace as aforesaid, by warrant or otherwise, to send for the master or merchant, or other person who imported any such infant, lunatic, aged, maimed, impotent or vagrant person or persons, as are likely to become chargeable as

aforesaid, and upon proof made of their being the importers, or owners of such ship or vessel, in which such infant, lunatic, aged, maimed, impotent or vagrant persons, who shall be judged likely to become chargeable as aforesaid, were imported, then the said Mayor, or Recorder and Alderman, or any two of the Justices as aforesaid, shall and may compel the said master, merchant or importer of such infant, lunatic, maimed, aged, impotent or vagrant person or persons to give sufficient security, to carry and transport such infant, lunatic, maimed, aged, impotent or vagrant person or persons to the place or places whence such person or persons were imported or brought from, or otherwise to indemnify the inhabitants of the said city, district and township, from any charge that may come or be brought upon them by such infant, lunatic, maimed, aged, impotent or vagrant person or persons; *Provided always*, That if any person or persons shall apprehend him or themselves aggrieved, with any such order or judgment, the person or persons so aggrieved, may appeal to the next Mayor's Court for the city, or the next Court of Quarter Sessions of the county of Philadelphia where such order shall be made, whose judgment shall be final; but before such appeal be allowed the person or persons appealing, shall enter into a recognizance with one good surety at least, to pay the costs and charges of such appeal, in case the said order be confirmed.

Appeal allowed to persons feeling themselves aggrieved, &c.

SECT. XXIV. *And be it further enacted by the authority aforesaid*, That if any house-keeper or inhabitant of the said city, district or township, shall hereafter take into, receive or entertain, in his or her house or houses, any person or persons whomsoever, (all mariners coming into this state, and every other healthy person coming from any foreign port immediately into the said state only excepted) being persons who have not gained a legal settlement, in some other township, borough or place within this state, and shall not give notice in writing, which they are hereby required to do, within three days next after the taking into or entertaining, any person or persons in his or her house within the said city, district or township, to the guardians of the poor or some one of them of the said city, district and township, such inhabitant or house-keeper being thereof legally convicted by testimony, of one credible witness on oath or affirmation before any one Alderman of the city of Philadelphia, or before any one Justice of the Peace residing in the said district or township, shall forfeit and pay the sum of four dollars for every offence, the one moiety for the use of the poor of the said city, district and township, and the other moiety to the informer, to be levied on the goods and chattels of the delinquent in the manner hereinafter directed, and for want of sufficient distress the offender to be committed to the gaol of the city and county of Philadelphia, there to remain without bail or mainprize for the space of ten days: And moreover in case the person or persons so entertained or concealed, shall become poor and unable to maintain him or herself, and cannot be removed to the place of his or her last legal settlement in this or any other state, if any such he or she hath, or shall die, and not have wherewithal to defray the charges of his or her funeral, then and in such case the house-keeper or person convicted of enter-

Penalty on house-keepers, &c. entertaining persons not having a legal settlement within this state, &c.

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taining or concealing such poor person against the tenor of this act, shall be obliged to provide for and maintain such poor and indigent person or persons, and in case of such poor person's death, shall pay the guardians of the poor so much money as shall be expended on the burying of such poor and indigent person or persons, and upon refusing so to do, it shall be lawful for the guardians of the poor in the said city, district and township, and they are hereby required to assess a sum of money on the person or persons so convicted, from time to time, by a weekly assessment, for maintaining such poor and indigent person or persons, or assess a sum of money for defraying the charges of such poor person's funeral as the case may be, and in case the party convicted, shall refuse to pay the sum of money so assessed or charged, to the guardians of the poor for the uses aforesaid, the same shall be levied on the goods and chattels of the offender in the manner hereinafter directed, but if such person so convicted have no goods or chattels to satisfy the money so assessed for him or her to pay, then it shall and may be lawful for the said Aldermen or Justices to commit the offender to prison, there to remain until he or she hath paid the same, or until he or she shall be discharged by due course of law.

Penalty on guardians or overseers of the poor not receiving persons removed by warrant or order, &c.

SECT. XXV. *And be it further enacted by the authority aforesaid,* That if any person be removed by virtue of this act, from any borough, township or county to the said city, district of Southwark or township of the Northern Liberties, by warrant or order of any two Justices of the Peace of any county, under their hands and seals, or from the said city, district or township to any other township, borough, county or place, by warrant or order of any two Aldermen of the said city, or of two Justices of the Peace residing in the said district or township, under their hands and seals as aforesaid, the guardians or overseers of the poor of the city, borough township, or place to which such person shall be so removed, are hereby required to receive the said person, and if any of the said guardians or overseers shall refuse or neglect so to do, he or they so offending upon proof thereof, by one or more credible witnesses upon oath or affirmation before any one of the Aldermen of the said city, or Justices of the Peace residing in the said district or township, or Justices of the Peace of any township, borough or county where the offender doth reside, shall forfeit for every such offence the sum of twenty dollars, to the use respectively of the poor of the said city, district and township, or other township or borough from which such person was removed, to be levied by distress and sale of the offender's goods, by warrant under the hand and seal of the said Alderman or Justice of the Peace as aforesaid, which he is hereby required and empowered to make, directed to the constable of the city, district, township or borough where such offender or offenders dwell, returning the overplus if any there be to the owner or owners, and for want of sufficient distress then the offender to be committed to the gaol of the county where he dwells there to remain without bail or mainprize for the space of thirty days.

Poor persons removing from the city, &c.

SECT. XXVI. *And be it further enacted by the authority aforesaid,* That if any poor person or persons shall remove out of the city of Philadelphia, the district of Southwark, and the township of the

1803.

Northern Liberties, into any other township, borough or place within this state, or shall remove out of any borough, township or place into the said city, district or township of the Northern Liberties, and shall fall sick or die, before he or she hath gained a legal settlement in the said city, district and township, or other township or borough to which he or she shall come, so that such person or persons cannot be removed, the guardians of the said city, district and township of the Northern Liberties, or overseers of the said other township or borough into which such person or persons is or are come, or one of them, shall as soon as conveniently may be respectively give notice to the overseers of such township or borough, or to the guardians of the said city, district and township of the Northern Liberties, (as it may happen to be necessary) where such person or persons had last gained a legal settlement, or to one of the said overseers or guardians, of the name, circumstances and conditions of such person or persons, and if such overseers of a township or borough, or guardians of the said city, district and township of the Northern Liberties, to whom such notice shall be so given, shall neglect or refuse to pay the money expended, as well before as after the said notice, for the use of such poor person or persons, and to take order for relieving and maintaining such poor person or persons, or in case of his, her or their death before notice can be given as aforesaid, shall on request being made, neglect or refuse to pay the money expended in maintaining and burying such poor person or persons, then and in every such case it shall be lawful for any two Aldermen of the said city, or Justices residing in the said district, or township of the Northern Liberties, or for any two Justices of the Peace (not residing in the said district or township of the Northern Liberties) of the county where such poor person or persons were last legally settled, and they are hereby authorized and required, upon complaint made to them, to cause all such sums of money as were necessarily expended for the maintenance of such poor person or persons, during the whole time of his, her or their sickness, and in case he, she or they die, for his, her or their burial, by warrant under their hands and seals to be directed to some constable of the said city, district or township of the Northern Liberties, or of such other township or borough, to be levied by distress and sale of the goods and chattels of the said guardian or guardians, overseer or overseers of the poor so neglecting or refusing, to be paid to the guardians or overseers aforesaid, where such poor person or persons happened to be sick or to die as aforesaid, and the overplus of the monies arising by sale of such goods remaining in the constable's hands, after the sum of money ordered to be paid together with the costs of distress are satisfied, shall be restored to the owner or owners of the said goods: *Provided always*, That if any of the said guardians of the poor, or the overseers as aforesaid, shall think him or themselves aggrieved by any sentence of such Justices, or by their refusal to make any order as aforesaid, he or they may appeal to the next Mayor's Court for the said city, or to the next Court of Quarter Sessions for the county, where such guardians or overseers reside, and not elsewhere, who are hereby authorized and required to hear and finally to determine the same.

into any other township, borough, &c, or from thence into the city, &c. and falling sick or dying; guardians or overseers to give notice to those where such persons last gained a legal settlement, &c.

method of proceeding in case of refusal to reimburse the expenses, &c.

Guardians or overseers thinking themselves aggrieved may appeal, &c.

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Mode of proceeding to obtain a reimbursement of expenses in affording temporary relief to persons not having a legal settlement within the city, &c.

SECT. XXVII. And whereas it may frequently happen that the place of last legal settlement of poor and indigent persons, may be far distant from the city of Philadelphia: *Be it further enacted by the authority aforesaid,* That where any person not having legal settlement within the city of Philadelphia, the township of the Northern Liberties, or the district of Southwark, shall be relieved and provided for temporarily by the guardians of the poor in the city of Philadelphia, district of Southwark and the township of the Northern Liberties, it shall and may be lawful for the said guardians to transmit, with the poor or indigent person or persons so as aforesaid relieved, to his last place of legal settlement, a bill containing the amount of monies expended in the relief of such poor indigent person or persons, certified under the seal of the corporation, and attested by the oath or affirmation of the guardian furnishing or expending the same, which said bill so certified and attested, shall be received by the overseers or justices of the township or place where the said poor or indigent person or persons were last legally settled, as evidence, but not conclusive evidence of the amount, if upon an appeal the settlement shall be affirmed, and in case the overseers of the place or township to which such poor and indigent person or persons shall be removed, or the parties removing, as the case may be, shall appeal from the judgment of the said Justices to the Court of Quarter Sessions of the county, to which such removal shall be made, the said court shall receive the said bill so as aforesaid certified and attested, as evidence, but not conclusive evidence of the amount, and the overseers of the place or township to which such poor and indigent person or persons shall be so as aforesaid removed, shall be liable to pay the amount adjudged to be due, whether notice has been given to them or not, of the paupers being within the corporation of the guardians of the poor in the city of Philadelphia, district of Southwark, and the township of the Northern Liberties, any law, usage or custom to the contrary in any wise notwithstanding.

The settlement of negroes shall be deemed to be where they are registered if slaves, and if free, the township or place where liberated, &c. and such township, &c. shall maintain them becoming chargeable.

If set free after attaining the age of 28 years, to be maintained by the former master or mistress.

SECT. XXVIII. And whereas negroes and mulattoes liberated after the age of twenty-eight years, and others not having legal settlement within this corporation or elsewhere, frequently come to inhabit and reside therein: *Be it enacted by the authority aforesaid,* That the settlement of all negroes and mulattoes, whether free or otherwise, shall be deemed and taken to be, so far as respects this corporation, in the township or place where his, her or their master has registered him, her or them, in case he, she or they be slaves, and in the township or place where they were liberated, manumitted and set free, in case he, she or they be free, and that all orders of removal respecting such before described negroes or mulattoes, shall be good and effectual in law, and the overseers of the place or township to which any such negro or mulatto shall be removed, shall be bound and they are hereby required to receive and provide for them, as for other poor of their place or township: *Provided always nevertheless,* That if it shall appear that any such negro or mulatto shall have been liberated, after he or she or they attained the age of twenty-eight years, or has never been legally liberated, manumitted or set free, then and in such case the overseers of the poor to whose

place or township any such negroes or mulattoes shall be removed, shall and may recover from the master or mistress of any such negro or mulatto, his or her heirs, executors or administrators, having assets, all the costs and charges arising from relieving and removing the said negro or mulatto, and the said master or mistress, his or her heirs, executors or administrators, having assets, shall give security for the future maintenance of such negro or mulatto.

SECT. XXIX. *And be it further enacted by the authority aforesaid,* That the father and grandfather, and the mother and grandmother, and the children and grandchildren of every poor, old, blind, lame and impotent person, or other poor person within the said city, district and township, not able to work, being of sufficient ability, shall at their own charges, relieve and maintain every such poor person as the Mayor's Court for the city, or the Court of Quarter Sessions for the county where such poor persons reside, shall order and direct, on pain of forfeiting seven dollars for every month they shall fail therein.

The father and grandfather, &c. of poor impotent persons, being of sufficient ability to maintain them, &c.

SECT. XXX. And whereas it sometimes happens that men separate themselves without reasonable cause from their wives, and desert their children, and women also desert their children, leaving them a charge on the said city, district and township, although such persons may have estates which should contribute to the maintenance of such wives or children: *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful for the guardians of the poor in the said city, district and township, having first obtained a warrant or order from two Aldermen of the said city, or from two of the Justices of the Peace of the county residing in the said district or township, where such wife or children shall be so left or neglected, to take and seize so much of the goods and chattels, and receive so much of the annual rents and profits of the lands and tenements of such husband, father or mother, as such two Aldermen or Justices shall order and direct, for providing for such wife and for maintaining and bringing up such child or children, which warrant or order being confirmed at the next Mayor's Court for the city, or Quarter Sessions for the county, it shall and may be lawful for the said court there to make an order for the guardians of the poor, to dispose of such goods and chattels by sale or otherwise, or so much of them, for the purpose aforesaid, as the court shall think fit, to receive the rents and profits, or so much of them as shall be ordered by the said court, of his or her lands and tenements, for the purposes aforesaid; and if no real or personal estate of such husband, father or mother can be found, wherewith provision may be made as aforesaid, it shall and may be lawful to and for the said court to order the payment of such sums, as they shall think reasonable, for the maintenance of any wife or children so neglected, and commit such husband, father or mother to the common gaol, there to remain until he or she comply with the said order, give security for the performance thereof, or be otherwise discharged by the said court; and on complaint made to any Alderman of the city of Philadelphia, or to any Justice of the Peace residing in the district of Southwark or township of the Northern Liberties, of any wife or children there being so neglected, such Alderman or Justice shall

Where father or mother desert their children leaving them chargeable, how they are to be provided for, &c.

1803. take security from the husband, father or mother neglecting as aforesaid, for his or her appearance at the next Mayor's Court, or Court of Quarter Sessions, there to abide the determination of the said court, and for want of security to commit such persons.

Fines &c. accruing by virtue of this act, how to be recovered;

SECT. XXXI. *And be it further enacted by the authority aforesaid,* That the several fines, forfeitures and penalties, sum and sums of money imposed or directed to be paid by this act, and not herein otherwise directed to be recovered, the same and every of them shall be levied and recovered by distress and sale of the goods and chattels of the delinquent or offender, by warrant under the hand and seal of one of the Aldermen of the city of Philadelphia, for the said city, and under the hand and seal of any one Justice of the Peace residing in the said district or township, where the delinquent or offender dwells or is to be found, and after satisfaction made of the respective forfeitures, fines, penalties and sums of money directed to be levied by such warrant as aforesaid, together, with such legal charges as shall become due on the recovery thereof, the overplus if any, to be returned to the owner or owners of such goods and chattels, his or her executors or administrators: *Provided always,* That if any person or persons shall find him or themselves aggrieved, with any judgment of the Aldermen of the said city, or Justices of the Peace aforesaid in pursuance of this act, such person or persons may appeal to the next Mayor's Court for the city, or Court of Quarter Sessions for the county of Philadelphia, where sentence was given, (except in cases of removal, and in cases of poor persons becoming chargeable in one place who are legally settled in another, as is otherwise provided for by this act) whose decision in all such cases shall be conclusive.

Persons aggrieved may appeal, &c.

The managers empowered to make by-laws, &c. for the government of the paupers, &c.

SECT. XXXII. *And be it further enacted by the authority aforesaid,* That the managers for the time being or a majority of them, shall from time to time, make and ordain rules, by-laws and regulations for the government of all the paupers of every description, resident in the alms-house and house of employment, which rules, by-laws and regulations having first received the approbation of the Chief Justice and Attorney-General for the time being, shall be enforced and carried into effect by the managers for the time being or a majority of them: *Provided,* That such rules, by-laws and regulations be not inconsistent with the constitution and laws of this state, or of the United States.

Guardians or overseers sued for any thing done by direction of this act, may plead the general issue, &c.

SECT. XXXIII. *And be it further enacted by the authority aforesaid,* That if any action shall be brought against any guardian or overseer of the poor or other person, who in aid of either and by his commands shall do any thing concerning his office under this act, he may plead the general issue, and give this act and any special matter in evidence, and if the plaintiff shall fail in his action, discontinue the same or become nonsuit, he shall pay double costs.

Auditors to be annually appointed, who shall audit and settle the accounts of the treasurer, &c.

SECT. XXXIV. *And be it further enacted by the authority aforesaid,* That the Mayor's Court of the city of Philadelphia, at their first session in every year, shall appoint one citizen residing, within the said city, and the Court of Quarter Sessions for the county of Philadelphia, at their first session in every year, shall appoint two citizens, one of whom shall reside in the township of the Northern-

Liberties, and the other in the district of Southwark, which three citizens jointly shall audit and settle the accounts of the Treasurer, the board of guardians and managers respectively, and shall also inspect the books and papers of the said corporation, and publish a true and perfect statement of all their receipts, whether in taxes, donations, legacies or otherwise, including a statement of the amount of the taxes levied in each and every year, together with all and every the expenditures of said corporation, in two public newspapers printed in the city of Philadelphia, for the space of three days at least. 1803.

SECT. XXXV. *And be it further enacted by the authority aforesaid,* That the present board of managers shall constitute a lawful body until the fourth Monday in May next, and until a new board shall be organized under this act, and no longer, any thing contained in this act to the contrary in any wise notwithstanding. The present board of managers to act till the 4th Monday in May next, &c.

SECT. XXXVI. *And be it further enacted by the authority aforesaid,* That all laws heretofore passed relating to the poor of the city of Philadelphia, the district of Southwark and the township of the Northern-Liberties, be, and the same are hereby repealed. Repealing clause.

Passed 29th March, 1803.—Recorded in Law Book No. IX. page 122. (k)

(k) By a supplement to this act, passed 1st April, 1805, (chap. 2585,) all monies levied and collected for the use of the poor of the city of Philadelphia, Southwark, and Northern-Liberties, shall be under the control and superintendence of the board of guardians, and the rules, regulations and restrictions of every department respecting the poor, shall be prescribed by the said board, and shall be obligatory on each and every of their officers and servants, excepting so far as relates to the internal regulation of the alms house and house of employment, and no money shall be drawn from the treasury of the corporation, but by an order of the general board, signed by their president; or in his absence, by the chairman for the time being, and countersigned by the secretary.

The act then proceeds to direct the mode of supplying vacancies in the board of guardians; and the manner in which additional buildings may be erected.

By another supplement, passed 24th March, 1809, the commissioners of the Northern-Liberties are directed to choose their portion of the guardians, at the town-house in the Northern-Liberties, at the same time the Select and Common Councils of the city, and the Commissioners of Southwark are directed by the act in the text to choose their portion of the guardians, and subject to the same rules that the Select and Common Councils, and the Commissioners aforesaid are subjected in the choice of guardians as aforesaid.

CHAPTER MMCCCLVIII.

An ACT to establish a Board of Wardens for the port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That immediately after the passing of this act, there shall be established a board of wardens for the port of Philadelphia, to consist of one master warden and six assistant wardens, four of whom shall be in- A board of wardens established for the port of Philadelphia, their num.

1803.

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to be ap-
pointed, to
have one
common
seal, &c.

habitants of the city of Philadelphia, one of the Northern-Liberties, and one of the district of Southwark, to be yearly appointed by the Governor of the commonwealth, and the said master warden and assistant wardens and their successors, shall have full power and authority to have and use one common seal, with such device as they may think proper, and the same to break, alter and renew at their pleasure.

To appoint a
clerk who
shall keep
fair min-
utes of the
proceed-
ings which
shall be sub-
ject to pub-
lic inspec-
tion, &c.

SECT. II. *And be it further enacted by the authority aforesaid,* That the said wardens shall employ a clerk, who shall keep fair minutes and entries of all orders, regulations and transactions of the said master warden and board of wardens, in a book or books to be kept for that purpose, and the said minutes and entries shall be public, and submitted to the inspection of any person or persons who shall desire to see and peruse the same, he or they so desiring the inspection paying to the clerk twelve cents, each time the books shall be opened and examined, and the said clerk shall give true copies of all such entries or minutes made in the said book or books, as may be required, to such person or persons as shall demand the same, he or they paying to the said clerk, one cent for each line the said copy shall contain, consisting of not less than twelve words.

The master
warden, &c.
to attend dai-
ly at the of-
fice for the
despatch of
business, &c.

SECT. III. *And be it further enacted by the authority aforesaid,* That the said master warden, or in case of his sickness or necessary absence, some one of the said wardens to be chosen by themselves, shall attend every day at the said office (Sundays excepted) from ten of the clock in the forenoon, till one of the clock in the afternoon, for the despatch of such business as may be necessary in pursuance of this act, and the person so chosen shall, during the time of such sickness or necessary absence, be vested with the like powers and authorities to do and perform the same duties and receive the same compensation, as the said master warden would have been entitled to.

Meetings of
the wardens,
and their
powers at
such meet-
ings.

SECT. IV. *And be it further enacted by the authority aforesaid,* That there shall be a meeting of the said wardens on the first Monday in every month, and at such other times as the master warden may appoint; and the said wardens, three of whom shall be a quorum, when met, shall have full power and authority under the limitations herein after prescribed, to grant licenses to persons to act as pilots in the bay and river Delaware, and to make rules for their government while employed in that service, to decide all differences which may arise between masters, owners and consignees of ships or vessels and pilots, except in cases herein after excepted, to direct the mooring of ships and vessels in the harbour, and the order in which they shall lay, load or unload at the wharves, and to make, ordain and publish, such rules and regulations, and with such penalties for the breach thereof in respect of the matters aforesaid, as they shall deem fitting and proper: *Provided,* That such rules and regulations shall not be contrary to the constitution and laws of the United States, or of this commonwealth: *Provided also,* That if any person whomsoever shall conceive himself aggrieved, by any decision or penalty made, given and imposed by the said wardens, such person may, except in cases herein after excepted, within six days, appeal therefrom to the Court of Common Pleas of the county

Their regu-
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of Philadelphia, and on such appeal the like security shall be entered, and the like proceedings had, as in the case of an appeal from the judgment of a Justice of the Peace, for a debt or demand not exceeding ten pounds. 1803.

grieved may appeal, &c.

SECT. V. *And be it further enacted by the authority aforesaid,* That the wardens for the port of Philadelphia, be, and they are hereby exempt from serving as jurymen, in the courts of this commonwealth. *The wardens exempted from serving as jurymen.*

SECT. VI. *And be it further enacted by the authority aforesaid,* That in case the master warden, or any of the assistant wardens shall die, neglect, refuse or become incapable to perform the duties enjoined and required by this act, the Governor of this commonwealth shall appoint some other discreet or skilful person, to perform the duties herein enjoined and required. *The Governor to appoint others instead of such as may die, refuse to serve, &c.*

SECT. VII. *And be it further enacted by the authority aforesaid,* That every warden who shall be appointed by virtue of this act, shall before he takes upon himself the exercise of the duties herein required, take an oath or affirmation before one of the Judges of the Court of Common Pleas for the county of Philadelphia, that he will well and faithfully to the best of his skill, understanding and judgment, do, execute and discharge the office and duties of a warden of the port of Philadelphia, without favour or partiality according to the laws of this commonwealth. *Wardens to take an oath of office, &c.*

SECT. VIII. *And be it further enacted by the authority aforesaid,* That if upon the settlement of the accounts relative to the said warden's office, and the expenses necessarily incurred in conducting the business thereof, agreeably to the provision of this act, which accounts the said master warden is hereby enjoined to exhibit quarterly to the Register-General, to be settled as is by law directed with respect to other public accounts, it should appear that the monies paid into the hands of the said master warden as aforesaid, have been insufficient to defray the said expenses, it shall and may be lawful for the Governor to draw a warrant or warrants upon the state treasurer, for the amount of such deficiency: [*Provided, The same shall not in any one year exceed the sum of eight hundred dollars, which shall be paid out of the funds appropriated for the support of government.*] *How deficiencies for expenses in conducting the business of the warden's office are to be supplied: But not to exceed 800 dollars in any one year. [Repealed, see note.]*

SECT. IX. *And be it further enacted by the authority aforesaid,* That the compensation to be paid to the master warden for the time being, shall be two dollars and fifty cents for every day he shall necessarily attend at the warden's office, [and the clerk of the board of wardens shall receive a salary of five hundred dollars per annum, payable quarterly, and no more,] and for the more convenient transaction of business at the said office, it shall be the duty of the said clerk to attend on the Saturday of every week at the office of the said wardens, from nine of the clock in the forenoon until one in the afternoon, and from two in the afternoon until sunset, and on every day of the week (Sundays excepted) from nine of the clock in the forenoon until three in the afternoon. *Compensation of the master warden and clerk, [Repealed, see note.] and times of attendance of said clerk at the warden's office.*

SECT. X. *And be it further enacted by the authority aforesaid,* That if any person or persons shall think himself or themselves aggrieved, by any order or sentence made by the master warden for *Appeal allowed from the master warden to the board of*

1803.

wardens,
&c.

the time being, it shall and may be lawful for such person or persons to appeal therefrom to the board of wardens, on giving bond to the master warden with one sufficient surety, in any sum not exceeding one hundred dollars, to abide and perform the final determination of the board thereon, of the sufficiency of such security the master warden shall judge and determine, which bond shall be executed and tendered within twenty-four hours after notice of such order or sentence, and the party appellant shall prosecute such appeal with effect, before the board at their next meeting, otherwise their appeal shall be dismissed unless a satisfactory cause for a further continuance be shewn to the board, and if either of the parties shall require it, and the master warden for the time being shall think it proper, a special meeting of the board shall be called for the hearing such appeal, as early as conveniently may be, and if upon such hearing either at a stated or special meeting, the original order or sentence shall be affirmed, the board shall award such reasonable costs, to be paid by the appellant as they shall adjudge to be adequate to the expenses occasioned by the appeal, including the established pay of the master warden and the clerk, for so long time as they shall have attended on the said business.

Within what
time
wharves, &c.
for which
licenses have
been obtained
are to be
erected.

SECT. XI. *And be it further enacted by the authority aforesaid,* That in all cases where any license has been or shall be given by the board of wardens for the port of Philadelphia, to erect any wharf or building of the nature of a wharf, beyond low water-mark of the river Delaware, the person to whom such license has been or shall be so granted, shall within six months after the passing of this act or the date of the said license, erect such wharf or building, otherwise the said license shall be of no effect.

Penalty for
obstructing
the passage
over
wharves,
&c.

SECT. XII. *And be it further enacted by the authority aforesaid,* That if any person shall hereafter erect, make or fix, or cause to be erected, made or fixed, on any wharf within the city of Philadelphia, any building, inclosure or other obstruction, whereby a free passage over and along the same shall be impeded or prevented, every such person shall forfeit and pay for every such offence, any sum not exceeding one hundred dollars, to be recovered in the same manner and for the same uses as is directed in and by the thirty-sixth section of this act, and the said wardens shall cause such building, inclosure or obstruction to be abated or removed, if the owner or occupier of any such wharf shall neglect or refuse to abate or remove the same, on three days notice from the said board of wardens: *Provided always nevertheless,* That nothing herein before contained, shall be taken or construed in any wise to prevent any such owner or occupier from depositing, during a reasonable time, on any such wharf, goods, wares and merchandize, unladen from or about to be shipped on board of any ship or vessel, or for the purpose of being stored, always allowing a sufficient passage for carts, waggons and drays, nor in anywise to hinder any person otherwise entitled so to do, from erecting any building or inclosure on any part of such wharf, lying to the westward of low water-mark or tide-way of the river Delaware.

But not to
extend to
the deposit-
ing of goods,
&c. to be
shipped pro-
vided a suf-
ficient pas-
sage be left
for carts,
drays, &c.

Proceedings
where any
person is de-

SECT. XIII. *And be it further enacted by the authority aforesaid,* That when and so often as any person shall be desirous to extend

1803.

sirous of ex-
tending
wharves,
&c.

and penalty
for such ex-
tension with-
out first ob-
taining a li-
cense from
the wardens,
&c.

Vessels of
the United
States not to
moor at any
wharf with-
out owners'
consent.

Proviso in
case such
consent is re-
fused.

any wharf, or other building of the nature of a wharf, or cause any such wharf or building to be made in the tide-way of the river Delaware, from any part of the city or liberties of Philadelphia, such person shall make application to the board of wardens, at any of their monthly meetings aforesaid, stating in writing, the nature, extent and plan of such intended wharf or building, and produce their deed or deeds for said lot or lots, and if it shall appear to the board of wardens or a majority of them, that such plan and design may be lawfully executed, and that the same will not improperly encroach upon or injure the said channel or harbour, the board of wardens at any of their stated monthly meetings, or when especially convened in manner aforesaid, shall give their assent and license for erecting, extending or making such wharf or building, and cause the same to be recorded in their office: but if the said board of wardens shall deem it improper to give such assent and license, and the party applying shall think himself aggrieved by their resolutions, he may make such application to the Court of Common Pleas for the county of Philadelphia, who shall order a jury of twelve suitable men, who under oath or affirmation shall view the premises, and make report to the said wardens of their decision, which shall be final and conclusive, a copy of which verdict shall be recorded in the Court of Common Pleas; and if any person or persons after the publication of this act, shall make or extend any wharf or building as aforesaid, within the city or liberties of Philadelphia, into the river Delaware beyond low water-mark, without license first had and obtained from the wardens aforesaid, or in case of the refusal of the Court of Common Pleas aforesaid, he, she or they shall, upon conviction thereof, forfeit and pay to the said board of wardens the sum of four thousand dollars, to be by them recovered and applied in such manner as other fines, forfeitures or sums of money by the thirty-sixth section of this act, made payable to them, are directed to be recovered and applied, and likewise to be compelled by the board of wardens to remove such wharf, if it is extended so far as to injure other wharves near it or to obstruct the channel.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That no ship or vessel which by the law of the United States may be subject to the duties of tonnage, shall be permitted to moor at, or otherwise occupy any wharf within the city or liberties of Philadelphia, without leave first had and obtained from the owner or possessor thereof: *Provided always,* That if such leave be duly applied for by the owner, agent, master or other person having charge of any such ship or vessel, and refused by the owner or possessor of any wharf within the limits aforesaid, being vacant in the whole or in such part as may reasonably accommodate the ship or vessel so applied for, and such vacancies shall not be occupied by some ship or vessel, in which the owner or possessor of the wharf hath an immediate interest, for twenty-four hours after such application and refusal, it shall then and in such case be lawful for the ship or vessel first applied for, to be moored at and occupy such wharf or part thereof, for so long time as shall be requisite for

1803. the despatch of her business, subject nevertheless to the controul and direction of the master warden for the time being.

Penalty for burning or breaming vessels at or near any wharf between South and Vine-streets.

SECT. XV. *And be it further enacted by the authority aforesaid,* That if any person or persons whosoever, shall from and after the passing of this act, burn or breame, or cause to be burned or breamed, any ship or vessel or any part thereof, at or near any wharf or wharves between South and Vine-streets in the said city, he or they so offending, for every such offence, shall forfeit and pay to the said master warden the sum of one hundred and fifty dollars, to be by him recovered and appropriated as other forfeitures herein mentioned, are to be recovered and appropriated by the thirty-sixth section of this act.

The Governor or to appoint a harbour master, who shall take an oath or affirmation and give bond, &c. for the faithful performance of his duty.

His powers, &c.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That the Governor shall appoint and commission a person of good character and competent skill, to be harbour master of the port of Philadelphia, and liable to be removed when he shall think proper, and the said harbour master having first taken an oath or affirmation, and given bond with two sufficient sureties to be approved by the Governor, in the sum of four thousand dollars, faithfully and impartially to perform the duties of his office, shall have authority and he is hereby required to enforce and superintend the execution of all laws of the commonwealth, and of all by-laws, rules and regulations of the corporation of the city, or of the wardens of the port of Philadelphia, enacted, ordained and declared, or hereafter to be ordained, enacted and declared, for cleaning the docks and wharves of the port of Philadelphia, for preventing all nuisances at the wharves and in the docks aforesaid, by burning or breaming any ships or vessels or otherwise howsoever, for regulating and stationing all ships or vessels in the stream of the river Delaware, or at the wharves within the boundaries of the city of Philadelphia, for removing from time to time, ships and vessels in order to accommodate and make room for others, or for admitting the river craft to pass in and out of the docks, and for compelling the masters and captains of ships and vessels to accommodate each other, so that ships and vessels arriving from sea shall for a reasonable time, not exceeding six days, be entitled to births next to the wharves, until they have landed their cargoes, and for that purpose such ships or vessels as are lading, shall be removed and take in their cargoes over and across the decks of the ships or vessels lying nearest to the wharves; for directing the paying of ships and vessels when applied to for that purpose, between the north boundary of the city and Peg's run, in the Northern Liberties, and the south boundary of the city and Catharine-street in the district of Southwark; and if any master or captain of any ship or vessel, shall refuse or neglect to comply with the directions of said harbour master, in matters within the jurisdiction of his office, or if any person whosoever, shall obstruct or prevent the said harbour master in the execution of his duties, such master, captain or other person shall for each and every such offence severally forfeit and pay any sum not exceeding one hundred dollars, to be recovered and appropriated as other forfeitures herein mentioned, are re-

Penalty on masters or captains neglecting to comply with his directions or obstructing him in the execution of his duties;

covered and appropriated by the thirty-sixth section of this act: 1803. and the said harbour master shall have authority to appoint and employ a deputy or deputies, to assist him in the execution of his office, and he shall in full compensation for his services be entitled to have, recover and receive from the master, captain, owner, or consignee of each and every ship or vessel arriving at the port of Philadelphia, coasting vessels not exceeding the burden of seventy-five tons excepted, the sum of one dollar for each and every voyage by such ship or vessel performed, and no more.

He may appoint a deputy, &c. Compensation of the harbour master.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That every person exercising the profession of a pilot in the bay or river Delaware, shall within three months after the passing of this act, apply in person to the board of wardens for the port of Philadelphia, for a license to entitle him to follow that occupation, and that it shall be the duty of at least three of the said wardens, to examine every person so applying, as to his fitness in all respects to perform the duties of a pilot, and to grant license to all such as they shall deem qualified according to their respective abilities; those of the first class to persons capable of piloting ships or vessels of any practicable draught of water, those of the second class to persons capable of piloting ships or vessels drawing twelve feet water or under, those of the third class to persons capable of piloting ships or vessels drawing nine feet or under; which licenses shall be in force for one year from the date thereof, and until the pilots respectively shall next after expiration of the year, arrive with any ship or vessel at the port of Philadelphia, and no longer; but every pilot delivering up his license shall be entitled to receive a new one in lieu thereof, giving like security as hereinafter directed, unless it shall appear to the said wardens that the person applying is disqualified from exercising the duties of a pilot; and if any person shall after the time herein prescribed for taking out licenses, exercise the profession of a pilot in the bay or river Delaware without such license, or at any time after his license shall have expired, he shall forfeit for every vessel which he shall undertake to pilot to or from the port of Philadelphia, the sum of thirty dollars, together with the pilotage to which he would be otherwise entitled, one half to the use of the persons who shall sue for the same, and the other half for the use of decayed pilots, their widows and children.

Pilots to apply to the board of wardens for licenses, &c.

duration of the licenses;

and renewal thereof;

penalty for piloting without license, or after it has expired.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That no license of the first class, shall be granted to any person who at the time of passing this act, shall not be or within three months previous thereto, have been, a licensed pilot by virtue of the laws of this commonwealth, or who shall not have served a regular apprenticeship of at least six years to a licensed pilot; nor any license of the second class except to persons already licensed as aforesaid, or such as shall have served an apprenticeship of at least five years in manner aforesaid, nor any license of the third class except to persons already licensed as aforesaid, or who shall have served an apprenticeship of at least four years in manner aforesaid, and all indentures of apprentices to pilots shall be recorded in the wardens' office, for which the master of such apprentices shall pay the sum of twenty-five cents, to be applied towards defraying the contin-

Qualifications necessary to entitle pilots to licenses;

1803.

they shall
give bond,
&c.

Condition
thereof.

Penalty on
pilots refus-
ing or ne-
glecting to
serve;
or combining
to prevent
others;

in case of a
scarcity of
pilots, the
wardens
may grant
certificates
to other per-
sons for six
months.

Licenses
heretofore
obtained and
securities
given by any
pilots to be
effectual.

The pilot
first offering
himself to an
inward
bound vessel
to take
charge of
her.
Provided,
&c.

gent expenses of the said warden's office; nor shall any license be granted until the person applying shall have given bond, with one sufficient surety to the Governor of the commonwealth, in any sum not exceeding five hundred dollars, nor less than three hundred dollars, conditioned for the true and faithful performance of the duties and services required by this act, and that they will not be aiding or assisting in defrauding the revenue of the United States, and that they will deliver up the license to them granted when required by the wardens, in pursuance of the provisions of this act: *Provided*, That no person shall be entitled to a license as pilot for any branch, without first having under the immediate inspection of his master, or a pilot of the first branch, conducted a square rigged vessel, (at least brigrigged) twice up and twice down the river.

SECT. XIX. *And be it further enacted by the authority aforesaid*, That if any person having license as a pilot, shall for the space of two weeks refuse or wilfully neglect to execute the duties of a pilot, every such pilot upon due proof thereof shall forfeit his license; and if any pilot shall enter into any combination, with a view of preventing any other person from executing such duties, every such pilot being thereof duly convicted, shall forfeit his license as a pilot for the bay or river Delaware; and if it should so happen that the number of pilots necessary for the port of Philadelphia, should be reduced by decease, removal or otherwise, as to occasion much inconvenience to the trade of the state, in such case the wardens of the said port, or any three or more of them, are hereby empowered, on such particular occasion as aforesaid, to grant certificates to such person or persons as they may find qualified to act as pilots, for the said space of six months, subject to be renewed if occasion should require it, and subject to the like rules, orders and regulations, and liable to the like fines, penalties and forfeitures, as other pilots who shall be appointed by virtue of this act.

SECT. XX. *And be it further enacted by the authority aforesaid*, That the licenses or certificates heretofore granted to any pilot or pilots, by any former board of wardens and not vacated, shall be of the same force and effect, as if the said licenses or certificates were granted in pursuance of the directions of this act, and all securities given by any pilots and others on their behalf, shall be and continue to all intents and purposes of the same force and effect, as any securities to be taken in pursuance of this act may or can be.

SECT. XXI. *And be it further enacted by the authority aforesaid*, That the pilot who shall first offer himself to any inward-bound ship or vessel, shall be entitled to take charge thereof: *Provided*, His license shall authorize him to pilot ships or vessels of such draught of water, and it shall be the duty of such pilot if required, to exhibit his license to the master or commander of such ship or vessel, and in case the draught of water of such ship or vessel shall be greater than such pilot shall be licensed to carry, he may nevertheless with the consent of the master, take charge of such ship or vessel until a pilot duly qualified shall offer, and if such qualified pilot shall offer before such ship or vessel shall have passed Reedy Island, he shall be received, and the former pilot entitled to pilotage according to the distance he may have conducted such ship or

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The commanders of vessels to display the signal for a pilot, &c. penalty for neglecting to do so.

Compensation in case of extraordinary services rendered; how fixed.

Masters of outward bound vessels to remain 24 hours at the capes to give the pilot on board an opportunity to be taken out; penalty on failing to do so.

Allowance to pilots carried to sea against their inclination by stress of weather.


Compensation to pilots where inward-bound vessels are compelled to proceed to some port or place not in the bay or river Delaware.

vessel, and the latter to the residue of the pilotage, which shall be ascertained by the master warden for the time being; and the master or commander of such ship or vessel, shall display the signal for a pilot heretofore used, until a pilot duly qualified shall offer, and if the said master or commander shall refuse or neglect so to do, or shall refuse or neglect to receive a pilot duly qualified, the master, owner or consignee of such ship or vessel, shall forfeit and pay to the wardens aforesaid, a sum equal to the half pilotage of such ship or vessel, to the use of the society, for the relief of distressed and decayed pilots, their widows and children, to be recovered as pilotage in the manner hereinafter directed; and in all cases when extraordinary services have been rendered by any pilot or pilots, the board of wardens shall in case the parties cannot agree, determine the compensation to be allowed for such services, and the pilot shall inform the master of every vessel he shall conduct to the port of Philadelphia, of the rules and regulations necessary in reporting at the warden's office.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of every master or commander of a ship or vessel, outward-bound from the port of Philadelphia, and he is hereby required to remain twenty-four hours after his arrival at the capes, to give to the pilot on board such ship or vessel an opportunity to be taken out; and if the master or commander of such ship or vessels refuse so to do, and if the same can be done without endangering the vessel aforesaid, the master, owner or consignee of such ship or vessel, shall forfeit and pay to such pilot, his executors or administrators, any sum not exceeding eight hundred dollars, to be recovered in any court of record in which the same may be sued for, by action of debt or otherwise.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That if it shall so happen that any first-rate pilot, having a boat attending him, shall be carried to sea in any ship or vessel contrary to his inclination, by stress of weather or other unavoidable accident, the master, owner or consignee of such ship or vessel, shall pay to such pilot, his executors or administrators, the same wages as the master of said vessel receives, until the return of said pilot to the said capes, or in case he shall die while so absent, then to the time of his death; and if any second-rate pilot shall be carried off as aforesaid, the same wages as the first mate of such vessel receives; and if any third-rate pilot shall be carried off as aforesaid, the same wages as the seamen of such vessel receive; and if any pilot as aforesaid, not having a boat attending him, shall be carried to sea as aforesaid, he shall be paid one half the wages he would have been entitled to, had a boat been attending.

SECT. XXIV. *And be it further enacted by the authority aforesaid,* That when any inward-bound ship or vessel having a pilot on board, shall be prevented by the ice or by any other cause, from proceeding to the port of Philadelphia, and shall be compelled to proceed to some other port or place not in the bay and river Delaware, the pilot shall be entitled to receive and recover from the owner or consignee of such ship or vessel, full pilotage as if he had conducted such ship or vessel to the port of Philadelphia, and shall also re-

1803.  ceive the sum of eight cents for each and every mile he shall travel to his usual place of abode.

Allowance to
pilots de-
tained in ves-
sels while
performing
quarantine.

SECT. XXV. *And be it further enacted by the authority aforesaid,* That there shall be allowed two dollars per day, to every pilot of any ship or vessel compelled to perform quarantine, for every day he may be detained, to be paid by the master, owner or consignee of such ship or vessel, and the pilot of such ship or vessel shall not be discharged in less than six days without his consent.

Fifty cents
payable by
pilots for a
licence.

SECT. XXVI. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, there shall be paid by every pilot obtaining a licence or branch, to authorize him to act as a pilot for the bay and river Delaware, the sum of fifty cents, to be applied for the support of the wardens' office.

Rates of pi-
lotage pre-
scribed.

SECT. XXVII. *And be it further enacted by the authority aforesaid,* That the compensation to pilots for conducting ships or vessels from the city of Philadelphia to the capes of Delaware, or from the capes of Delaware to the city of Philadelphia, shall be for every half foot of water which any inward bound vessel shall draw under and up to twelve feet, the sum of one dollar and thirty-three cents; and for every half foot of water which such vessel shall draw more than twelve feet, the sum of one dollar and sixty-seven cents; and for every half foot of water which any outward bound vessel shall draw under and up to twelve feet, the sum of one dollar; and for every half foot of water which such vessel shall draw more than twelve feet, the sum of one dollar and thirty-three cents; to be paid by the owner or consignee of such ship or vessel; and shall also receive over and above the said sums, for every vessel not being registered within the United States, the sum of two dollars and sixty-seven cents; and shall also receive over and above the said sums for conducting all ships or vessels, to or from the city of Philadelphia for ever, between the twentieth day of November and the tenth day of March inclusive, in any year, the additional sum of ten dollars: *Provided,* That no pilot shall have or receive any reward for any supernumerary inches under six, and if any pilot shall be detained by any master, owner or consignee of any vessel, or by the ice, he shall be entitled to receive from the master, owner or consignee of such ship or vessel, the sum of two dollars for every day he shall be so detained.

Compensa-
tion to pilots
for conduct-
ing dismast-
ed or crip-
pled vessels,
&c.

SECT. XXVIII. *And be it further enacted by the authority aforesaid,* That the compensation to be paid to pilots for conducting to or from the city of Philadelphia, all dismasted or otherwise crippled vessel or vessels, which shall have been in any wise injured, so as to occasion to the said pilots any extraordinary care or trouble, shall not exceed double the amount what they otherwise would have been entitled to, of which the board of wardens shall judge.

All vessels of
a certain ton-
nage bound
to receive
pilots;

SECT. XXIX. *And be it further enacted by the authority aforesaid,* That every ship or vessel arriving from or bound to any foreign port or place, and every ship or vessel of the burden of seventy-five tons or more, sailing from or bound to any port* not within the river Delaware, shall be obliged to receive a pilot; and it shall

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and the captain to make report to the master warden, &c., which shall be entered;

penalty on neglect to make such report or take a pilot;

Provido if a pilot does not offer.

Compensation to pilots where vessels are detained by ice and conducted to a place of safety, &c.

Penalty in case of damage arising from negligence or incapacity of the pilot.

be the duty of the master of every such ship or vessel, within thirty-six hours next after the arrival of such ship or vessel at the city of Philadelphia, to make report to the master warden of the name of such ship or vessel, her draught of water, and the name of the pilot who shall have conducted her to the port, and where any such vessel shall be outward-bound, the master of such vessel shall make known to the wardens the name of such vessel, and of the pilot who is to conduct her to the capes, and her draught of water at that time; and it shall be the duty of the wardens to enter every such vessel in a book, to be by them kept for that purpose, without fee or reward; and if the master of any ship or vessel shall neglect to make such report, he shall forfeit and pay the sum of sixty dollars, and if the master of any such ship or vessel shall refuse or neglect to take a pilot, the master, owner or consignee of such vessel, shall forfeit and pay to the wardens aforesaid, a sum equal to the half pilotage of such ship or vessel, to the use of the society for the relief of distressed and decayed pilots, their widows and children, to be recovered as pilotage in the manner herein after directed: *Provided always*, That where it shall appear to the wardens, that in case of an inward-bound vessel, a pilot did not offer before she had reached Reedy island, or in case of an outward-bound vessel, that a pilot could not be obtained for twenty-four hours after such vessel was ready to depart, the penalty aforesaid for not having a pilot shall not be incurred.

SECT. xxx. *And be it further enacted by the authority aforesaid*, That when any inward-bound ship or vessel having a pilot on board, shall be detained by ice and conducted by him to a place of safety, it shall and may be lawful for the master of any such ship or vessel, after being so detained for forty-eight hours to discharge his pilot, and in such case the pilot shall be entitled to receive and recover full pilotage, as if he had conducted such ship or vessel to the port of Philadelphia, and in case such pilot shall be detained more than forty-eight hours, his compensation for such detention shall be two dollars per day, for every day he shall be so detained.

SECT. xxxi. *And be it further enacted by the authority aforesaid*, That if any pilot shall misbehave in the execution of his duty, so that damage shall accrue by reason of his negligence or incapacity, it shall and may be lawful for the person or persons injured or aggrieved, to complain to the wardens, who shall thereupon appoint a time and place of hearing, of which due notice shall be given to such pilot, and upon due proof being made thereof to the wardens, it shall be lawful for them to fine such pilot in any sum not exceeding the amount of the pilotage of the ship or vessel, to which such damage shall have happened, for the use of decayed pilots, their widows and children, or to suspend such pilot for any term which the wardens may think proper, and in every case of suspension the pilot shall deliver up his license to the wardens, to be by them kept till the time for which he may have been suspended shall have expired: *Provided always*, That nothing herein contained shall be so construed, as to prevent the owner or consignee of any vessel, or any other person or persons from recovering his or their damages in any court having jurisdiction of the same.

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How pilots
are to pro-
ceed to reco-
ver their pi-
lotage.

SECT. xxxii. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, upon complaint made by any pilot, to the Mayor or any Alderman in the city of Philadelphia, or to any Justice of the Peace in any county within this commonwealth, and they are hereby respectively empowered and required to issue forth a precept in writing, under hand and seal in the nature of a summons, *capias* or attachment, as the case may require, directed to any constable, commanding him to bring or cause to come before such Mayor, Alderman or Justice, any person or persons against whom such complaint shall be made, respecting any demand on masters of vessel, owners, consignees or others, respecting pilotage or other claims as pilots, and thereupon proceed to hear the proofs and allegations of the said parties, or such of them as shall appear, and to determine and pass judgment thereon, where the same shall not exceed the sum of twenty-six dollars and sixty-seven cents, in like manner as debts not exceeding ten pounds, are by the laws of this commonwealth recoverable, and subject to the like appeal, security, trial and costs, and that all such claim or demand for a sum or sums of money exceeding twenty-six dollars and sixty-seven cents, shall be sued for and recovered with costs of suit by action of debt, case, bill, plaint or information, in any Court of Record within this state.

Pilots to re-
port the arri-
val of ves-
sels ;

penalty on
neglect or re-
fusal so to
do.

Pilots suffer-
ing any da-
mage in his
boat, &c.
whilst endea-
vouring to
relieve ves-
sels in dis-
tress how to
be reimburs-
ed.

Persons tak-
ing up an-
chors or ca-
bles within
the bay or
river Dela-
ware, how to
proceed ;

SECT. xxxiii. *And be it further enacted by the authority aforesaid,* That every pilot, who shall pilot any ship or vessel to the port of Philadelphia, shall within forty-eight hours next after her arrival at the said port, make report thereof to the wardens' office, specifying the name of the master and vessel, and to the best of his information the number of persons on board such vessel ; and if any pilot shall neglect or refuse so to do, or knowingly make a false report, he shall forfeit and pay for every such offence the sum of twelve dollars, for the use of decayed pilots, their widows and children, to be recovered as other fines and forfeitures are by this act recoverable.

SECT. xxxiv. *And be it further enacted by the authority aforesaid,* That if any pilot endeavouring to assist or relieve any ship or vessel in distress, shall suffer loss or damage in his boat, her sails, tackle, rigging or appurtenances, the master, owner or consignee of such ship or vessel, shall be liable to pay to such pilot the value of such loss or damage, to be ascertained by the board of wardens, as to them shall appear just.

SECT. xxxv. *And be it further enacted by the authority aforesaid,* That whenever any person or persons whosoever, shall take or cause to be taken up, within the bay or river Delaware, any anchor or cable, he or they shall bring the same to the port of Philadelphia, and immediately file a written notice thereof, in the office of the wardens of the said port, stating the time when and the place where such anchor or cable was taken up, and shall also cause a copy of such notice forthwith to be inserted in one of the English newspapers of the city of Philadelphia, and continued therein twice a week for the space of two months, unless the owner or owners thereof, his or their agent or agents, shall before the expiration of the said period, file a claim in writing in the said office, to such anchor or cable, and if upon the filing of such claim, sufficient proof of the

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property of such claimant be made within a reasonable time, to the satisfaction of the board of wardens, every anchor or cable so taken up and claimed as aforesaid, shall be restored to its proper owner or owners, his or their agent or agents; he or they paying to the person or persons so taking up and bringing the same to the said port, one half of the value thereof, if taken up between the northernmost part of Reedy island and the capes of Delaware, and one third of the value thereof, if taken up between the northernmost part of said island and the port of Philadelphia; which valuation shall be made by two persons, respectively to be chosen by the parties, who in case of disagreement shall appoint a third, whose decision shall be final; but if no claim shall be so filed within the period aforesaid, the anchor or cable so taken up and brought to the said port, shall be vested in and become the property of the person or persons who may have taken up the same; and if any person or persons who shall have so taken up any anchor or cable, neglect or refuse to observe or comply with the directions above mentioned, he or they shall forfeit and pay for every such offence, the sum of fifty dollars, to be sued for, recovered and applied for the use of decayed pilots, their widows and children, by the master warden of the said port: *Provided always*, That if the fine or penalty aforesaid, shall be recovered from any person other than a pilot, the money so recovered shall go to the board of wardens, to defray the contingent expenses of said board.

such anchors or cables to be restored to the owners on proof of property; allowance to the persons taking them up;

how to be ascertained;

no owner appearing the article to become the property of the person recovering it;

penalty on such persons neglecting to comply with the foregoing directions,

Forfeitures and penalties under this act how recoverable;

to whom payable,

and for what use.

SECT. XXXVI. *And be it further enacted by the authority aforesaid*, That all forfeitures, penalties, sum or sums of money in this act mentioned, or accruing by virtue thereof, and not otherwise directed and appropriated, shall be payable, sued for, recovered and applied in manner and form following; that is to say, all the said forfeitures, penalties, sum and sums of money, in and by this act made payable to the master warden for the time being, shall be sued for and recovered by the said master warden, with costs of suit, before the Mayor or any Alderman of the city of Philadelphia, or before any Justice of the Peace of the county of Philadelphia, or any other county in this state, where the same shall not exceed the sum of twenty-six dollars and sixty-seven cents, in like manner as other debts under ten pounds are by the laws of this commonwealth recoverable, and subject to the like appeal, security, trial and costs, and that all such forfeitures, penalties, sum and sums of money, as shall amount to more than twenty-six dollars and sixty-seven cents, shall be sued for and recovered with costs of suit, by action of debt, case, bill, plaint or information, in any court of record within this state; and that all the fines, forfeitures, penalties, sum and sums of money, received by the master warden or wardens, by virtue of this act, and not otherwise appropriated, shall be by them respectively paid to the State Treasurer, once in every three months, for the special use and purpose of paying off the rent, salaries and other incidental expenses arising from the due execution of this act, and all other expenses, costs and charges which have accrued, by the execution of the several acts respecting the wardens of the port of Philadelphia, and to this end all the said fines, forfeitures, penalties, sum and sums of money, so as aforesaid to be paid to the said

1803. Treasurer in pursuance of this act, shall remain in the hands of the said Treasurer, especially appropriated for the purpose, and subject to the drafts of the said master warden or board of wardens, for all or any of the purposes aforesaid, and for no other use or purpose whatsoever; and to the end and intent that fair and just accounts shall be kept, and settlements made by the said wardens, of all their transactions in pursuance of this act, they are hereby enjoined and required, to exhibit true and just accounts of them once in three months to the Register-General, who is hereby authorized and required to settle and adjust the same, in like manner as other accounts are settled by him, agreeably to the laws of this commonwealth, subject to the like appeal, security, trial and costs, as in other cases of appeal from any settlement made before him, and in like manner to proceed and recover such balance or balances, as on such settlement or settlements shall be found due from them or any of them.

Accounts of the wardens to be exhibited to and settled by the Register-General.

Repealing clause.

SECT. XXXVII. *And be it further enacted by the authority aforesaid,* That such law or laws of this commonwealth, as are by this act supplied, be and the same are hereby repealed and made void.

Passed 29th March, 1803.—Recorded in Law Book No. IX. page 152. (1)

(1) By a supplement to this act, passed 2d April, 1804, (chap. 2492,) the master of every ship or vessel of the burthen of seventy-five tons, or more, shall make report on his arrival at the city of Philadelphia, and also when outward bound, in the same time, and in the same manner as is prescribed by the 29th section of the act in the text, and forfeiture of not less than ten, and not exceeding fifty dollars, upon neglect thereof, at the discretion of the board of wardens, to be recovered and applied in the same manner that is directed by the act in the text.

§ 2. The compensation to pilots for conducting ships or vessels, which are not registered, but which are the sole property of a citizen or citizens, of any of the United States, shall be the same that is paid for registered vessels of similar draft of water, whether such unregistered vessel is inward or outward bound, from or to the port of Philadelphia.

§ 3. The board of wardens to determine the compensation due to G. H. for certain services performed, &c. which the board of health are required to pay, &c. and at all times hereafter the board of health may contract with some suitable person, to fix, remove and replace the buoys; and the said board shall furnish all such apparatus, that may be found necessary, and pay the expenses as aforesaid.

And, by an act to empower the board of wardens, for the port of Philadelphia, to collect a certain duty on tonnage, for the purposes therein men-

tioned, passed 1st April, 1805, (chap. 2579,) it is provided, that the master, owner, or consignee of every ship, or vessel, which shall clear out from the port of Philadelphia, for any port or place out of the limits of the United States, shall, before the departure of such ship or vessel, pay to the board of wardens of the said port, a tonnage duty of four cents for every ton which such ship or vessel shall measure, according to the rule which is or may be prescribed by the laws of the United States for ascertaining the tonnage of ships or vessels; and if any such ship or vessel shall depart from the port, before the payment aforesaid be made, the master, owner, or owners, consignee, or consignees thereof shall pay to the said wardens a sum equal to double the amount of the tonnage duty due on such ship or vessel by virtue of this act, which may be recovered in the name of the said board before any Alderman, Justice of the Peace, or Court of Justice, having lawful jurisdiction of the amount thereof, or the said board may, if they think it expedient, sue for and recover as aforesaid the tonnage duty due on any ship or vessel, after she shall have received a clearance, and before her departure.

§ 2. The said board of wardens shall have power to employ suitable persons to remove the obstructions to the navigation of the river Delaware below the city of Philadelphia, in such manner as to the said board shall seem most proper, and to erect and provide such piers and places as may be deemed

ed necessary for the security of vessels navigating the said river, and for that purpose to obtain cessions to the commonwealth of the ground necessary for such piers or places; *Provided*, That no cession shall be accepted, nor purchase made, nor engagements for the removing of obstructions, or for the erection of any such piers or places of security be entered into, until the said board of wardens shall have submitted to the Governor a statement of the nature and conditions of the cession or purchase proposed, and the plan which they shall have formed for removing the obstructions, or providing the piers or places of security, with an estimate of the expense thereof, and shall have obtained his consent to carry the same into execution.

§ 3. The tonnage duties collected by virtue of this act, shall be appropriated by the board of wardens for the purposes aforesaid, and the said board shall have power to borrow for the same purposes such sum or sums of money as may be thought necessary on the credit of said duties.

§ 4. The board of wardens directed to keep an account of their receipts and expenditures, &c. and settle annually with the Register-General, &c.

§ 5. This act to be in force one month after consent of Congress thereto, and limited to seven years, &c. Congress assented to this act, by an act passed 28th February, 1806.

By another supplement to the act in the text, passed 20th March, 1811, masters, or owners of vessels, &c. clearing out of the port of Philadelphia, shall pay an additional tonnage duty of two cents per ton; with a similar penalty for non-payment, and provision for the recovery thereof, as in the act last cited.

§ 2. The duties collected by virtue of this act shall be appropriated by the board of wardens, as follows, viz. a sum not exceeding one thousand six hundred dollars, annually, for the payment of the master warden, clerk, office rent, stationary, and other incidental expenses necessarily incurred by the board in the execution of the duties of their office; the remainder thereof to be applied towards removing obstructions in the river Delaware, below the city of Philadelphia, in such manner as to the said board shall seem most proper and useful to the navigation of the said river.

§ 3. The board of wardens shall keep an account of their receipts and expenditures, and pay over, &c. and exhibit their accounts annually to the Auditor-General, who shall audit and adjust the same.

Two per cent. and no more, shall be allowed to the board of wardens for collecting and paying over the tonnage duty aforesaid.

§ 4. The preceding sections shall be in force one month after the consent of Congress thereto, and from such time shall continue in force for five years, and from thence to the end of the next session of the Legislature; and the last cited act of 1st April, 1805, is continued during the same length of time, provided the consent of Congress shall be granted to such continued operation thereof.

§ 5. If upon settlement of the accounts relative to the wardens' office, and the expenses necessarily incurred in conducting the business thereof, agreeably to the provisions of the act in the text, it shall appear that the monies paid by virtue of said act to the master warden, shall not in any year be sufficient to defray the said expenses, it shall be lawful for the Auditor-General to draw a warrant or warrants upon the State-Treasurer, from time to time, until the 31st of March, 1813, and no longer, for the amount of such deficiency, which shall be paid out of the funds appropriated for the support of government; *Provided*, The same shall not in any one year exceed the sum of sixteen hundred dollars, in the whole.

§ 6 and 7. For the payment of certain expenses previously incurred, are obsolete.

§ 8. The *proviso* contained in the eighth section of the act in the text, and so much of the ninth section as limits the compensation of the clerk of the board of wardens to the sum of five hundred dollars are repealed, provided the compensation of the said clerk shall not exceed six hundred dollars *per annum*.

See an act granting certain privileges, on Reedy island, to Jonathan Grout, for the erection of a Telegraph, passed 24th March, 1809.

For the former laws relative to the wardens' office, see the titles prefixed to this volume, (chap. 1687, 1754, 1812, 1945, and 2055.

1803.

CHAPTER MMCCCLIX.

An ACT authorizing the Secretary of the Land-Office and the Attorney-General, to recover the fees due on warrants and patents remaining in the Land-Office.

WHEREAS it appears that there are a number of warrants and patents completed, and remaining in the office of the Secretary of the Land-Office of Pennsylvania, on which the purchase-money has been paid in full to the commonwealth, and the said warrants and patents signed and sealed, and that there are yet considerable sums of money due thereon as office fees, and the owners or possessors thereof at this time generally unknown: Therefore,

Mode of proceeding to recover the office fees due on patents and warrants remaining in the office of the Secretary of the Land-Office.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the Secretary of the Land-Office shall from time to time hereafter, make out a list of all the warrants and patents in his office, which shall have been completed and lying in his office for the term of six months, with the amount of office fees due and unpaid thereon, and advertise the same in one of the public newspapers printed in the city of Philadelphia, Lancaster, Northumberland and Pittsburgh, at least three weeks, calling on the owner or owners thereof respectively, and also the actual owner and owners, and possessor or possessors of said land, to come forward within three months after the same shall have been so as aforesaid advertised, and pay and discharge the office fees thereon due to the state, and if the said owner or owners as aforesaid, or possessor or possessors of the said land, shall refuse or neglect to pay and discharge the respective fees so as aforesaid due and unpaid, within the time limited and appointed as aforesaid, it shall be the duty of the said Secretary of the Land-Office, to forward a certified schedule of all and every of the said warrants and patents, with the respective fees due thereon, to the Attorney-General of the said commonwealth, who shall thereupon institute suits at law against the several owners, as aforesaid, or possessor or possessors of said land in the name of the commonwealth, for the recovery of the said office fees, and if it shall appear that any or either of the said owner or owners as aforesaid, cannot be found within the said commonwealth, or that there is no person or persons in the possession of the said land, then it shall be the duty of the said Attorney-General, to proceed by leaving a summons nailed up in some public place on or near the premises ten days before the return day thereof, and if upon the return of the service of the summons as aforesaid, the owner or owners as aforesaid, or other persons actually possessing the land shall not appear and answer to the suit, judgment shall be rendered for the amount of the fees due thereon as of default, and he shall thereupon proceed to sell at public sale, all or any part or parts of the said land, or so much thereof as may be necessary to pay the said office fees thereon due, together with all the expenses of advertising and costs of prosecution.*

Passed 29th March, 1803.—Recorded in Law Book No. IX. page 175.

CHAPTER MMCCCLXII.

1803.

A SUPPLEMENT to the act, entitled "An act to prevent the exportation of bad or unmerchantable staves, heading, boards and timber."

[See vol. 1, pa. 222, and the notes thereto.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* no staves shall be deemed as merchantable and fit for exportation, which are not three inches wide, and otherwise conformable to the act to which this is a supplement.

What staves shall be deemed merchantable.

Passed 30th March, 1803.—Recorded in Law Book No. IX. page 172.

CHAPTER MMCCCLXIII.

An ACT to erect certain parts of Westmoreland and Lycoming counties, into a separate county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* those parts of the counties of Westmoreland and Lycoming, included within the following boundaries, viz. Beginning at the corner of Armstrong county on the Kiskiminetas river; thence up said river to the mouth of Conomauch river; thence up said river to the line of Somerset county; thence a straight line to the Canoe-place on the west branch of Susquehanna; thence a north course along Potter's district line twelve miles; thence a due west course to Armstrong county line; thence along said line to the place of beginning; be and the same is hereby erected into a separate county, to be henceforth called Indiana county, and the place of holding the courts of justice in and for said county, shall be fixed by the Legislature, at any place at a distance not greater than four miles from the centre of the said county, which may be most beneficial and convenient for said county; and the Governor is hereby empowered and required to appoint three commissioners, any two of whom shall run, ascertain and plainly mark, so much of the boundary lines of the county of Indiana as is herein after described, before the first day of October next; beginning on the line of Somerset county on the Conomauch river; from thence to the Canoe-place on the west branch of Susquehanna river; and from thence to Armstrong county line; and the commissioners shall receive as a full compensation for their services therein, the sum of two dollars for every mile so run and marked, to be paid out of the monies which shall be raised for the use of the said county of Indiana.

Certain parts of Westmoreland and Lycoming counties erected into a new county. Its boundaries;

to be called Indiana county. The seat of justice how and where to be fixed;

the Governor to appoint commissioners to run and mark the boundary lines, &c.

their compensation for said services.

SECT. II. *And be it further enacted by the authority aforesaid, That* the said commissioners to be appointed by the Governor, for the purpose of running and marking the lines of said county of Indiana, shall also ascertain, and particularly describe the centre of said county, and make report, to the trustees herein after named,

The commissioners also to ascertain the centre of the county of Indiana, &c.

1806. to take proposals for the conveyance of lands for county uses ; and the said commissioners shall be allowed a reasonable compensation for their services in ascertaining the centre of the said county of Indiana.

Said county, for the present, annexed to Westmoreland county, &c.

SECT. III. *And be it further enacted by the authority aforesaid,* That for the present convenience of the inhabitants of the said county of Indiana, and until an enumeration of the taxable inhabitants of the said county shall be made, and it shall be otherwise directed by law, the said county of Indiana shall be, and the same is hereby annexed to the county of Westmoreland, and the jurisdiction of the several courts of the county of Westmoreland and the authority of the Judges thereof, shall extend over, and shall operate and be effectual within said county of Indiana.

Trustees appointed, who may receive proposals for the conveyance of lands for the use of the county.

[SECT. IV. *And be it further enacted by the authority aforesaid,* That William Jack, James Parr, and John Pomroy, of Westmoreland county, are hereby appointed trustees for the said county of Indiana, with full authority to receive proposals in writing from any person or persons, or any bodies corporate or politic, for the granting or conveyance of any lands within the said counties respectively, and within the limits herein before described, for fixing the place of holding the courts of justice in the said county, and when the place for holding the courts of Justice in the said county shall be fixed by the Legislature, to take assurance in the law, for the lands contained in any such proposals, which shall or may be accepted of under the same trusts and for the sole use and benefits of the said county.]

[Obsolete.]

When the county of Indiana shall be organized.

SECT. V. *And be it further enacted by the authority aforesaid,* That as soon as it shall appear by an enumeration of the taxable inhabitants within the county of Indiana, that the said county, according to the ratio which shall then be established for apportioning the representation among the several counties of this commonwealth, shall be entitled to a separate representation, provision shall be made by law, apportioning the said representation, and enabling such county to be represented separately, and to hold the courts of Justice at such place in the said county, as hereafter may be fixed for holding the same by the Legislature, and to choose their county officers, in like manner as the other counties of this commonwealth may or can do.

The commissioners of Westmoreland county to assess and levy county rates, for county purposes, in the county of Indiana, &c.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the commissioners of the county of Westmoreland, shall have power, and they are hereby authorized, to assess and levy county rates and levies, for county uses and purposes, in the county of Indiana, and the said commissioners and treasurer of the county of Westmoreland, shall open an account for the county of Indiana, from which such rates and levies shall be raised and collected, and shall pay out of the monies raised and collected in the county of Indiana, all the expenses of assessing, levying and collecting the same therein, together with the expenses of running the boundary lines of said county, and the expenses of ignoramus bills, and other costs of prosecution chargeable to the county, which shall be exhibited against persons residing and inhabiting within the said county, and also all rewards for wolf-scalps and animals of

Further objects to which the

prey destroyed in the said county, for which a reward is or shall be given by law, and that the remainder or surplus thereof, shall be applied to and for the use of the county of Indiana, and that all the county taxes which have been or shall be assessed for the current year, by the commissioners of Westmoreland and Lycoming counties, shall be and remain for the use of the county, in which such sum is or shall be assessed.

1803.

assessments
are to be ap-
plied.

Passed 30th March, 1803.—Recorded in Law Book No. IX. page 179. (m)

(m.) By an act to establish and confirm the place for holding the courts of justice, and to provide for erecting the public buildings for the use of Indiana county, passed 25th March, 1805, (chap. 2561.) Trustees are appointed for this county, who are required to survey 250 acres of land, granted for the use of the county by *George Clymer*, and to lay out a lot or lots not exceeding four acres whereon to erect the public buildings, and the residue into town and out-lots, of certain prescribed dimensions, and certain streets, &c. and to sell them by public auction, upon due notice, and transmit a map of the same to the Secretary of the commonwealth.

The proceeds to be applied to the erection of a court-house and other necessary public buildings. The trustees to receive a deed for the land, in trust, and record it in Westmoreland county, and to make conveyances to the purchasers of the lots. The town is called *Indiana*.

Within a year after the courts of law and board of commissioners shall be established, the trustees are directed to surrender their trust to the commissioners of the county, who shall perform all the duties remaining to be executed, &c.

Indiana county was organized for judicial purposes, by act of 10th March, 1806, (chap. 2653, and certain) actions, relative to real estate, in *Indiana* depending in Westmoreland county, to be transferred, for trial to the new county.

The county district of *Jefferson* is annexed, for judicial purposes, to *Indiana* county.

Part of *Armstrong* township, in In-

diana county, erected into an election district, by act of 3d April, 1804, (chap. 2507, sect. 4.)

Jefferson county made a separate election district, by act of 31st March, 1806, (chap. 2715, sect. 9.)

The townships of *Armstrong*, *Washington* and *Centre* made a district, and *Black-Lick* township made a district, by act of 11th April, 1807, (chap. 2836, sect. 19, 20.)

Armstrong township made a separate district by act of 25th March, 1808, (chap. 2972, sect. 22.)

Centre township made a separate district by act of 4th April, 1809, (sect. 17.)

Mahoning township made a separate district, by act of 1st April, 1811, (sect. 14.)

By the last enumeration the counties of *Armstrong*, *Jefferson* and *Indiana* contained two thousand and thirty-nine taxables; and with the county of *Westmoreland*, six thousand four hundred and thirteen taxables; and by act of 21st March, 1808, apportioning the representation in pursuance thereof, *Armstrong*, *Jefferson* and *Indiana* send one member to the House of Representatives, and in conjunction with the county of *Westmoreland*, one member to the Senate.

By the Judiciary act of 24th Feb'y, 1806, the counties of *Somerset*, *Cambria*, *Indiana*, *Armstrong* and *Westmoreland* compose the tenth judicial district. The terms continue one week. The courts in *Indiana* are held on the second Mondays in March, June, September and December.

Indiana county is part of the western district of the Supreme Court.

CHAPTER MMCCCLXVII.

An ACT declaring the west and westernmost branches of *Schuylkill*, in the county of *Berks*, public highways.

SECT. 1. BE it enacted by the Senate and House of Representatives of the commonwealth of *Pennsylvania*, in General Assem-

1803. *bly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the west branch of Schuylkill* from its junction with the north branch up the same to Thomas Reed's saw-mill, and thence five miles higher up said stream; and the westernmost branch from its junction with the last mentioned stream, six miles up the same, shall be and the same are hereby declared to be public highways, under the limitations and restrictions herein after specified, and it shall and may be lawful for any person desirous of improving or using the navigation of said west or westernmost branches of Schuylkill† to remove thereout all obstructions except mill-dams already built, at which dams the persons aforesaid, shall have full power to make slopes thereon, and keep the same in repair for ever for the passage of rafts.*

Parts of the west and westernmost branches of the Schuylkill made public highways,

slopes to be made on mill-dams already built for the passage of rafts.

Nothing herein to affect the right of any person acquired before the passing of this act to erect a dam or dams:

Provided the proper slope is made, &c.

Dimensions of such slope.

SECT. II. *And be it further enacted by the authority aforesaid, That nothing in this act contained, shall be deemed, taken or understood to prevent any person or persons possessing lands on said west or westernmost branches of Schuylkill, who before the passing of this act had authority under the law of this commonwealth to erect a dam, from erecting any such dam or dams, that he, she or they may think proper: Provided always, That every such dam be so constructed with a proper slope or slopes, erected in the most convenient parts thereof, so that rafts may not be obstructed in passing down the said waters; which slope shall be at least thirty feet wide, and be one foot lower than the other parts of such dam, the surface whereof shall be made of wood or other materials well compacted together, so that none of the water may be lost in passing down the same, and for every foot such slope shall be in height it shall extend fifteen feet down the stream.*

Passed 1st April, 1803.—Recorded in Law Book No. IX. page 186.

CHAPTER MMCCCLXXI.

An ACT for altering the place of holding elections in the fifth district, in the county of Lancaster.

WHEREAS it has been represented to the Legislature, by petition from the inhabitants of part of Cocalico and Elizabeth townships, which composes the fifth district in the county of Lancaster, that the place of holding their elections is uncentral and inconvenient:

SECT. I. *Be it therefore enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the citizens of the fifth district in the county of Lancaster, shall from and after the passing of this act, hold their general elections at the house now occupied by Nathaniel Lightner, in the township of Cocalico in the district aforesaid, any thing to the contrary thereof in any former law notwithstanding.*

Place of holding elections in the fifth district, Lancaster county.

* Schuylkill in the original.

† Schuylkill in the original.

SECT. II. *And be it further enacted by the authority aforesaid,* 1803.
 'That the citizens of that part of the township of Warwick, in the county of Lancaster, beginning at the township line at a bridge on Forge creek, where the same intersects or crosses the old Paxton road; thence extending down the said creek to Christian Stauffer's mill; thence along the road leading from said mill to Lancaster, till the same strikes Moravian creek, commonly so called; thence down the said creek to John Pfauts's mill; thence along the road called Pfauts's new Lancaster road to the place where the same intersects the township line; thence along the said line to Conestogoe creek, and up the same and Cocalico and Middle creek; and the said Paxton road being the township line continued to the first mentioned creek and place of beginning, shall from and after the passing of this act, hold their general elections at the house now occupied by Nathaniel Lightner, in the fifth election district, in the township of Cocalico, in the county aforesaid, any thing to the contrary thereof in any former law notwithstanding.

Where the citizens of a part of Warwick township are to hold their general elections.

SECT. III. *And be it further enacted by the authority aforesaid,*
 That the citizens of that part of the fifth election district in the county of Lancaster, beginning at Miller's tavern and extending along a public road to Cocalico creek near Ephrata mill, and from thence down the said creek to the line of Earl township, shall be annexed to the ninth election district, and hold their elections at the house now occupied by Jacob Stanley, in Reams-town, in the township of Cocalico, any thing to the contrary thereof in any former law notwithstanding.

Part of the fifth annexed to the ninth district,

and place of elections.

Passed 1st April, 1803.—Recorded in Law Book No. IX. p ge 190.

CHAPTER MMCCCLXXVII.

An ACT to direct the sale of certain unimproved lots, the property of this commonwealth, in the city of Philadelphia, and to appropriate the proceeds thereof towards the erection of a building for the purpose of more completely carrying into effect the penal laws of this state.

[See vol. 2, pa. 533, and the notes thereto; and the notes to chap. 1505, vol. 2, pa. 531.]

WHEREAS the public prison of Philadelphia, is found to be too small for accommodating the convicts which are sent to that place, from different parts of the state, and the persons whom it may be necessary to imprison for offences committed in the city and county of Philadelphia: For remedy whereof,

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the inspectors of the prison in Philadelphia, for the time being, or a majority of them, be and they are hereby authorized, to sell or otherwise appropriate, all the right, title, claim and interest of the commonwealth, in the vacant lots the property of this commonwealth, in the city of Philadelphia, unimproved by the state, in such manner, and at such times as to them may appear most eligible, and the monies arising from such sale is hereby appropriated to de-

The vacant lots, the property of the state, in the city of Philadelphia to be sold,

proceeds of such sale ap-

1803. *fray the expenses of erecting such prison, or other house of confinement, for the use of the said city and county, as the inspectors of the prison, the court, grand jury and county commissioners shall agree to direct and order: Provided always, That if the title to any lot sold by virtue of this act, shall prove to be defective, nothing herein contained shall be construed so as to bind the state to pay the value of the same, or make reparation for any damages which may arise by such defective title: And it is further provided, That in consideration of the said lots being granted for the purposes aforesaid, the commonwealth reserves the right to the several counties within the same, to send their convicts to the present prison of the city and county of Philadelphia, agreeably to the provisions set forth in the penal laws of this commonwealth.*

appropriated to the erection of a new prison or house of employment;

Reservation in favour of the several counties.

On the completion of said prison, all vagrants, &c. confined in the city and county prison to be removed thither.

SECT. II. *And be it further enacted by the authority aforesaid, That immediately after the said prison shall be completed, and suitable for the admission of prisoners, the said inspectors shall cause to be removed thereunto, all persons that may be then confined in the prison of the city and county of Philadelphia, under the denomination of prisoners for trial, vagrants, runaway or disorderly servants and apprentices, and all such other descriptions of persons, (except convicts,) as have been heretofore confined in the county prison, and to receive into the said new prison, all persons of the aforesaid description that may hereafter be legally committed.*

Passed 2d April, 1803.—Recorded in Law Book No. IX. page 218.

CHAPTER MMCCCLXXVIII.

A SUPPLEMENT to the act, entitled “An act to enable the Justices of the Supreme Court, to hold Circuit Courts within this commonwealth.”

Where a Sheriff, by virtue of an execution issued by the Supreme or Circuit Court, sells lands, &c. and dies or is removed before executing a deed to the purchaser, proceedings to obtain a title to such lands, &c. [See vol. I, pa. 66-67.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That whenever any Sheriff or other proper officer, who by virtue of any testatum executions or other writs grounded thereon, or by virtue of any other executions whatever, issued either by the Supreme or Circuit Courts, shall hereafter take in execution and sell, any lands, tenements or hereditaments, shall die or be removed before any deed shall be executed by him to the purchaser, then and in every such case the plaintiff or purchaser may apply to the Circuit Court or the Supreme Court, in the county wherein the lands, tenements or hereditaments so as aforesaid lie, and set forth the case to the said Circuit Court, with the reason why the title was not perfected by the former Sheriff or other officer who sold the same, and thereupon the said Circuit Court shall as justice and equity require, order and direct the Sheriff or other proper officer for the time being, to perfect such title, and execute a deed for the same to the purchaser, and upon such order obtained as aforesaid, and entered on the records of the said Circuit Court, it shall and may be lawful for the Sheriff or other proper officer, according to the said order and di-*

1803.

rection, and he is hereby empowered and required, upon the full discharge and payment of the money or price for which the said lands, tenements or hereditaments, with such costs and charges as remain unpaid to the former Sheriff or other officer, to make, execute, deliver and acknowledge any deed or deeds, and to perform and do all matters and things that by the former Sheriff or other officer might, could or ought to have been performed or done in and about the premises, which when done and performed, shall be held and adjudged as effectual in law, as if the title had been completed by the former Sheriff or other proper officer.

SECT. II. And whereas it frequently occurs, that defendants in ejectment commit great waste and destruction of the premises demanded during the pendency of the suit, and before the trial thereof, and it has heretofore been considered that the writ of estrepement to prevent such waste and destruction can issue only upon affidavit filed, and motion to the court in term time, and the necessity of the case may require a more expeditious remedy, and it is just and proper to extend the remedy of the said writ: *Be it therefore further enacted by the authority aforesaid*, That when any ejectment shall be depending in the Supreme Court, Circuit Court or Court of Common Pleas, it shall and may be lawful for the prothonotary or clerk of the court, in which such ejectment is or shall be depending, upon affidavit of the plaintiff or other person knowing the fact, filed in his office, that the tenant or defendant in such ejectment has committed or is committing waste and destruction of or in the premises, to issue a writ of estrepement to prevent the same of course, without motion to the court and in vacation, which affidavit shall be sworn before one of the Judges of the Supreme Court or Common Pleas, and shall be considered regular though the Judge before whom it shall be taken, may not be a Judge of the court in which such ejectment shall or may be depending.

Writs of estrepement to prevent waste may be issued in vacation upon affidavit filed.

Passed 2d April, 1803.—Recorded in Law Book No. IX. page 219.

CHAPTER MMCCCLXXX.

An ACT to organize the provisional counties of Beaver, Butler, Mercer and Erie, for judicial purposes.

[See vol. 3, pa. 421, and the notes thereto.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That, from and after the first Monday of November next, the inhabitants of the counties of Beaver, Butler, Mercer and Erie respectively, shall at all times thereafter, enjoy all and singular, the jurisdictions, powers, rights, liberties and privileges whatsoever within the same, which the inhabitants of other counties of this state do, may or ought to enjoy within their respective counties, by the constitution and laws of the commonwealth.

The four named counties to enjoy all the rights and privileges enjoyed by other counties.

SECT. II. *And be it further enacted by the authority aforesaid*, That the counties of Beaver, Butler, Crawford, Mercer and Erie, shall form a separate circuit or district, to be called the sixth dis-

Said counties with Crawford to form the 6th district;

1803.

of the president thereof and associate judges of the counties.

What actions depending before the courts in Allegheny and Crawford counties, shall be transferred to the newly organized counties;

Duties enjoined on the prothonotaries of Allegheny and Crawford counties;

and fees to be paid them by the prothonotaries of Beaver, Butler, &c. To be reimbursed by the counties respectively;

said prothonotaries further to ac-

trict, and the president to be appointed for said district, and the associate judges to be appointed in each of the aforesaid counties, shall have like powers, jurisdictions and authorities within the same, as are warranted to and exercised by the Judges in other counties of this commonwealth.

SECT. III. *And be it further enacted by the authority aforesaid,* That all actions of trespass and ejectment, for the trial of titles to*, actions of trespass, quare clausum fregit, for entry into any lands or tenements, within the bounds of the counties of Beaver, Butler, Mercer and Erie, which shall at the time of passing this act, or before the first Monday of November next, have been commenced in the Courts of Common Pleas, or Circuit Courts of the counties of Allegheny or Crawford, or which have been commenced in the county of Allegheny, in the Court of Common Pleas or Circuit Courts as aforesaid, within the bounds of the county of Crawford, and which shall on the said first Monday of November next, be still pending and undetermined, shall be transferred to the Courts of Common Pleas and Circuit Courts, to which they respectively appertain, in the several counties organized by this act, and containing the lands and tenements, for the possession whereof, or trespass whereon, any of the aforesaid actions shall or may have been brought, there to be proceeded on to trial and determination according to law, in the same state, and subject to the same rules, as they or any of them were on the said Monday: And the Prothonotaries of Allegheny and Crawford counties, shall and they are hereby required and enjoined, within thirty days after the said first Monday of November next, to make out a docket, containing a statement of all such actions then pending and undetermined, in the said counties of Allegheny and Crawford, and shall have the said docket, together with the records, declarations and other papers respecting all such actions, then pending and undetermined as aforesaid, ready to be delivered to the Prothonotaries of the counties to which they respectively appertain, and which contain the lands and tenements, for the possession whereof, or trespass whereon, any of the aforesaid actions shall or may have been brought, which Prothonotaries respectively before they receive the same, shall pay to the Prothonotaries of the counties of Allegheny and Crawford, for every action contained in said docket, the usual fees allowed for similar services, which shall be reimbursed to them by the counties to which they belong, and all such actions so pending and undetermined, and transferred as aforesaid, by the Prothonotaries of Allegheny and Crawford counties, and by the Prothonotary of the county of Allegheny, to the Prothonotary of the county of Crawford, shall be considered as pending in the Courts of Common Pleas, or Circuit Courts in the counties to which they have been respectively transferred, from and after the first Monday of November next, and shall be proceeded upon in like manner, as if they had been originally commenced in said counties; and the Prothonotaries of the counties of Beaver, Butler, Mercer and Erie respectively, shall account upon

* An omission in the original.

the receipt of the costs of all such actions, or any of them, to the prothonotaries of the counties of Allegheny or Crawford, as the case may be, for all legal fees incurred in the counties of Allegheny or Crawford on such actions, or any of them, and no action or suit other than the said actions of trespass and ejectment, or trespass quare clausum fregit, now commenced, or which may be commenced in the counties of Allegheny and Crawford, before the first Monday of November next, against any person living or residing within the bounds of the counties of Beaver, Butler, Mercer, Crawford and Erie, shall be stayed, discontinued or affected by this act, or any thing herein contained, but the same may be prosecuted in the same manner as if this act had not been passed. 1803.

count with those of Allegheny, &c.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the Sheriffs, Coroners, and other public officers, of the counties of Allegheny and Crawford, shall continue to exercise the duties of their respective offices, within the counties of Beaver, Butler, Mercer and Erie, as heretofore, until the first Monday of November next.

Sheriffs, &c. of Crawford county to act for the hereby organized counties until the first Monday in November.

SECT. V. *And be it further enacted by the authority aforesaid,* That the Sheriffs, Coroners, Treasurers and all such other officers as have heretofore usually given bail, for the faithful discharge of the duties of their respective offices, who may have heretofore been elected or appointed in the counties of Beaver, Butler, Mercer and Erie, before they enter on the duties of their offices, shall give sufficient sureties in the like sums, and in the like manner and form, and for the like purposes, uses and trusts, as such officers are obliged to do in the counties of Allegheny and Crawford, or for such sums, or in such manner, as may be hereafter directed by law.

County officers to give security, &c.

SECT. VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners that may be hereafter elected for the counties of Beaver, Butler, Mercer and Erie respectively, to erect or cause to be erected, as soon as they may deem convenient, a court-house, prison and other public buildings, for the safe keeping of the records and papers, in each of the counties aforesaid, on such parts of the public square, in the town of Beaver, in the county of Beaver; in the town of Butler, in the county of Butler; in the town of Mercer, in the county of Mercer; in the town of Erie, in the county of Erie, as the commissioners of the said respective counties may think proper; and the said commissioners of the counties of Beaver, Butler, Mercer and Erie respectively, shall have authority to call on the commissioners of the respective counties of Allegheny and Crawford, for the purpose of examining, liquidating and receiving such balances, as shall be found due to the said respective counties of Beaver, Butler, Mercer and Erie, and reserved for the use of the same, agreeably to an act of the General Assembly of this commonwealth, passed the twelfth day of March, one thousand eight hundred.

Of the public buildings to be erected in the respective counties;

of the payment of balances due from Allegheny and Crawford.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the courts for the county of Beaver, shall be held in the house now occupied by Abner Laycock, in the town of Beaver, until a court-house shall be erected, or until the county commissioners and the court shall think proper to have it held at some more convenient house in said town.

Temporary place of holding courts for Beaver county.

1803.

Ditto for
Butler and
Mercer.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the respective commissioners of the counties of Butler and Mercer, shall procure houses as near the centres of their respective counties as convenience will admit, at the least possible expense, in which they shall hold their respective courts, until they shall have erected their court-houses; or if such houses cannot be conveniently procured, the aforesaid commissioners shall have power to erect temporary buildings, in each of their respective county towns, for that purpose.

Ditto for
Erie.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the courts for the county of Erie, shall be held at the house now occupied by George Beeler, in the town of Erie, until a court-house shall be erected in said town, or until the county commissioners and the court shall think it proper to have it held at some more convenient house in said town.

Of the elec-
tion of coun-
ty officers,
&c.

SECT. X. *And be it further enacted by the authority aforesaid,* That the citizens inhabitants of the respective counties of Beaver, Butler, Mercer and Erie, who are or shall be qualified to elect agreeably to the constitution and laws of this state, shall at the first general election to be held in the counties aforesaid, on the second Tuesday of October next, choose two fit persons for Sheriffs, two for Coroners and three for Commissioners, in each of said counties, in the same manner, and under the same rules, regulations and penalties as by the constitution and laws of this commonwealth, similar officers are chosen in other counties, and said officers when chosen as aforesaid, and duly qualified to enter on the duties of their respective offices, shall have and enjoy, all and singular, the powers, authorities, privileges and emoluments in or any way arising, out of their respective offices, in and for the counties aforesaid respectively, as fully as such officers are entitled to, in any other of the counties within this commonwealth.

Times of
holding the
county
courts.

SECT. XI. *And be it further enacted by the authority aforesaid,* That from the first Monday in February next, the Courts of Common Pleas and Quarter Sessions of the Peace, shall be held within the aforesaid circuit or district, agreeably to the following arrangement; that is, in the county of Beaver, on the first Mondays of February, May, August and November; in the county of Butler, on the Mondays next following the courts in Beaver; in the county of Mercer, on the Mondays next following the courts in Butler; in the county of Crawford, on the Mondays next following the courts in Mercer; in the county of Erie, on the Mondays next following the courts in Crawford. (n)

Passed 2d April, 1803.—Recorded in Law Book No. IX. page 230.

(n) See the act passed February 24th, 1806—by which a new arrangement is made as to the time of holding the several courts; viz. Beaver, 1st Mondays in August, November and January, and last Monday in March—Butler, 1st Mondays in March, June, September and December—Mercer, 2d Mondays in same months—Venango, 3d Mondays in same months—Craw-

ford, 4th Mondays in same months—Erie, Mondays succeeding the commencement of the courts in Crawford—and the five last named counties are formed into a district, and called the sixth district.—Beaver is attached to the fifth district, viz. Beaver, Allegheny, Washington, Fayette and Greene. (Note to former edition.)

CHAPTER MMCCCLXXXI.

1803.

An ACT to erect part of South Irwin township, in the county of Venango, into a separate election district.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the following described part of South Irwin township, in the county of Venango, shall be a separate election district, viz. Beginning on the west verge of Allegheny river near the house now occupied by Daniel Fry; thence due west to the county line dividing the counties of Venango and Mercer; thence southward along the line dividing said counties, to the south-west corner of Venango county; thence eastward along the line dividing the counties of Venango and Butler to the verge of Allegheny river; thence up the same to the place of beginning; and the electors thereof shall hold their general elections at the house now occupied by Patrick Davidson, to be known by the name of South Irwin district.

Part of South Irwin township, Venango county, erected into a separate election district.

Bounds of said district;

place of holding elections.

Passed 2d April, 1803.—Recorded in Law Book No. IX. page 235.

CHAPTER MMCCCLXXXII.

An ACT erecting certain election districts in the county of Crawford.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the townships of Beaver and Cussewago, shall be a separate election district; and the electors thereof shall hold their general elections at the house now occupied by Robert Nelson, in the said district.

The townships of Beaver and Cussewago, in the county of Crawford, made an election district, and place of holding elections.

SECT. II. *And be it further enacted by the authority aforesaid, That* from and after the passing of this act, the townships of Conneaut and Sadsbury, except such part of Conneaut township as lies south of the Pymatuning swamp, shall be a separate election district; and the electors thereof shall hold their general elections at the house now occupied by Joseph Garwood in said district.

Part of Conneaut and Sadsbury townships erected into a district, place of election.

SECT. III. *And be it further enacted by the authority aforesaid, That* from and after the passing of this act, the townships of Shenango and Followfield, and that part of Conneaut township that lies south of the Pymatuning swamp, shall be a separate election district; and the electors thereof shall hold their general elections at the house now occupied by Thomas M'Michael in said district.

The townships of Shenango and Followfield, &c. to be a separate election district, place of elections therein.

SECT. IV. *And be it further enacted by the authority aforesaid, That* from and after the passing of this act, the township of Fairfield, with the following described part of the county aforesaid shall be a separate election district, viz. Beginning at the north-east corner of Fairfield township; thence by a direct line to the north-west corner of a donation tract of land, in the sixth donation

Fairfield erected.

Bounds of the district;

1803. district, No. 120; thence along the north end of a range of donation tracts, on an eastwardly course to the line dividing the counties of Venango and Crawford; thence along the lines dividing the said counties to the south-east corner of Fairfield township; and the electors thereof shall hold their general elections at the house now occupied by James Herrington in said district.

place where
elections to
be held.

Passed 4th April, 1803.—Recorded in Law Book No. IX. page 236.

CHAPTER MMCCCLXXXIII.

[See vol. 3,
page 421, and
the notes
thereto.]

An ACT to establish and confirm the place for holding the courts of Justice, and to provide for erecting the public buildings, for the use of Armstrong county.

WHEREAS in pursuance of an act, passed the sixth of April, one thousand eight hundred and two, entitled "An act to establish the places for holding the courts of justice, in the counties of Armstrong, Butler and Mercer," it appears that the Governor did appoint Isaac Weaver, John Hamilton, Thomas Morton, James Brady and Presly Carr Lane, esquires, commissioners to perform the duties enjoined and required by the said act: And whereas it appears by the report of the said commissioners, deposited by them in the office of the Secretary of the commonwealth, and now before the General Assembly, by which it appears that the said commissioners, have performed the duties enjoined and required by the said act: In order therefore to complete and secure to the good people of the said county, the benefits intended in and by the act aforesaid,

Trustees appointed for the county of Armstrong, who are to survey 150 acres of land part of the Kittanning tract, for the use of said county,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That James Sloan, James Matthews and Alexander Walker, be, and hereby are appointed trustees for the county of Armstrong, and the said trustees or a majority of them, are hereby authorized, enjoined and required, to survey or cause to be surveyed, one hundred and fifty acres of land, near the place where general Armstrong defeated the Indians, on the east side of the Allegheny river, above Sloan's ferry, including the bend of said river, nearly opposite to a small island, being part of a tract of land called Kittanning, the property of James and John Armstrong, particularly described and set forth in the report of the commissioners, under the act, entitled "An act to establish the places for holding the courts of justice in the counties of Armstrong, Butler and Mercer," and given and granted under an obligation made and executed by James Armstrong, in behalf of himself and his brother John Armstrong, to the Governor, in trust and to the use of the said county; and the aforesaid trustees are also hereby authorized and required, to lay out a convenient lot or lots, not exceeding two acres, whereon the public buildings for the county of Armstrong shall be erected, and the said lot or lots being so laid out, the surplus of the said one hundred and fifty acres, shall be laid out into town-lots and out-lots, in such manner, and with such streets not more than ninety, nor less*

to lay out a lot or lots, not exceeding two acres, for the public buildings and the residue of said 150 acres into town and out-lots;

1803.

Dimensions
of the town
and out-lots ;
town called
" Kittan-
ning."

than sixty feet wide, and such lanes and alleys, for public uses, as the said trustees shall direct: *Provided*, That not more than two thirds of an acre, nor less than one fourth of an acre, shall be contained in any town-lot, nor more than two acres in any out-lot; and the same being so surveyed and laid out, shall be called Kittanning, and the streets, lanes and alleys, within the town and out-lots, shall be and remain common highways for ever.

SECT. II. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said trustees, or major part of them, to sell by public auction, the said town-lots and out-lots, at such time as they may judge most advantageous, to the county, which sale shall be held at the house of James Sloan, in the said county, previous to which the said trustees shall advertise the same three times at least, in one or more of the newspapers printed in Pittsburgh, Washington, Greensburgh, Lancaster and Philadelphia, three months before the day appointed for such sale; and before the advertisements are published as aforesaid, transmit a map or draft of the town and out-lots to the Secretary of the commonwealth, to be deposited in his office, and with the money arising from the sale of the said town-lots and out-lots, the trustees shall proceed to erect a court-house, gaol and other necessary public buildings, for the use of the county of Armstrong: *Provided however*, That before the aforesaid trustees shall proceed to the performance of any other of the duties hereby enjoined and required, they shall demand and receive, a deed or deeds of conveyance, in fee simple, from James Armstrong, and John Armstrong, agreeably to the terms expressed in the aforesaid obligation, for that purpose given, by the aforesaid James Armstrong to the Governor; and shall procure the deed or deeds to be recorded in the office for recording of deeds, in the county of Westmoreland, and when the said trustees have so done, they shall have authority, and it shall be their duty, to make out and grant sufficient deeds, in fee simple, for the town-lots and out-lots by them sold in pursuance of this act.

Deeds n fee
simple of the
said 150
acres of land
are first to be
obtained by
the trustees ;
and recorded
in the re-
corder's of-
fice of West-
moreland
county, and
afterwards
conveyances
made for the
town and
out-lots to
the purchas-
ers.

SECT. III. *And be it further enacted by the authority aforesaid*, That the aforesaid trustees, or a majority of them, shall within two years from and after the courts of law and board of commissioners shall have been established and opened by law, in and for said county, the said trustees shall surrender and convey to the said commissioners and their successors in office, in trust for the use of the county, all the trust and trusts vested in them, or in a majority of them, by this act, and the said commissioners of the county are hereby empowered and required, to do and perform the several duties which may remain to be done, as fully and effectually as the said trustees might or could have done, and the said county commissioners shall have power, and it shall be their duty, to call upon and compel the aforesaid trustees to settle their accounts, and to pay over the money to the county treasurer, if any such money remains in their hands, or in the hands of either of them, due to the county of Armstrong, from the sale of the town-lots or out-lots aforesaid: *Provided however*, That any time before the said county of Armstrong is organized, and the courts of law and board of commissioners are in operation, it shall be the duty of the court of Com-

When the
powers of
the trustees
shall cease,
and to whom
be surren-
dered.

1803. mon Pleas for the counties of Westmoreland and Armstrong, on the petition of fifty freeholders of the county of Armstrong, to the said court, to appoint auditors, with as full powers to compel the said trustees to settle their accounts, as the county commissioners might or could do in pursuance of the aforesaid powers.

Compensation of the trustees and by whom to be paid.

SECT. IV. *And be it further enacted by the authority aforesaid,* That each of the aforesaid trustees shall receive one dollar thirty-three cents, for every day he or they shall be employed in performing the duties of the aforesaid trust, together with all expenses necessarily incurred for assistance in laying out lots, streets, lanes and alleys, to be paid by the treasurer of the county of Westmoreland, on orders drawn by the commissioners of said county, out of the county taxes levied on the county of Armstrong.

Of filing a return of the survey of the town, &c.

SECT. V. *And be it further enacted by the authority aforesaid,* That the said trustees shall, as soon as may be, file a draft, return and report of the survey and proceedings under and by virtue of this act, in the office of the recorder of deeds, in and for the county of Westmoreland.

Repealing clause.

SECT. VI. *And be it further enacted by the authority aforesaid,* That so much of the act passed March the twelfth, one thousand eight hundred, as authorizes the commissioners therein named, to be trustees for the said county of Armstrong, is hereby repealed and made void.

Passed 4th April, 1803.—Recorded in Law Book No. IX. page 237.

CHAPTER MMCCCLXXXV.

An ACT for laying out competent districts for the appointment of Justices of the Peace. (o)

Passed 4th April, 1803.—Recorded in Law Book No. IX. page 247.

(o) The commissioners to lay out the several counties into districts for Justices of the Peace and make returns to the Secretary, &c. containing the number and description of the bounds of each district—the number of taxable inhabitants, and the number of acting Justices in each district, and as near as may be, the place of their residence. Counties to be divided as follows:

Adams not exceeding seven districts, Allegheny twelve, Armstrong six, Beaver six, Bedford fifteen, Berks fifteen, Bucks thirteen, Butler six, Centre seven, Chester sixteen, Crawford ten, Cumberland sixteen, Dauphin nine, De-

laware six, Erie six, Fayette twelve, Franklin twelve, Green seven, Huntingdon fifteen, Lancaster twelve, Luzerne ten, Lycoming six, Mercer six, Mifflin ten, Montgomery ten, Northampton twelve, Northumberland twenty, Philadelphia six, Somerset seven, Venango six, Warren six, Washington thirteen, Wayne eight, Westmoreland twelve, York fourteen.

The object of this act having been effected, it has become obsolete, but the abstract is retained, as still important with respect to the number of districts in the respective counties. (*Note to former edition.*)

CHAPTER MMCCCLXXXVI.

An ACT declaring the Shenango or Pymatuning creek, a public stream or highway.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly*

met, and it is hereby enacted by the authority of the same, That 1803.
 from and after the passing of this act, the Shenango or Pymatuning
 creek, a branch of Beaver creek, from the mouth of the same, up
 to its source be, and the same is hereby declared a public stream or Shenango
creek declar-
ed a public
highway;
 highway, for the passage of rafts, boats or other vessels, and it shall
 and may be lawful for the inhabitants and others, desirous of using the
 navigation of the said creek, to remove all the natural obstructions
 in the said creek; *Provided*, That any person or persons, owning Proviso as to
the erecting
of mill-dams.
 or possessing land on said creek, shall have liberty to erect any dam
 or dams across the same, agreeably and subject to all the restric-
 tions and provisions of an act, of the General Assembly of this
 commonwealth, passed the twenty-third day of March, one thou-
 sand eight hundred and three, entitled "An act to authorize any
 person or persons owning lands adjoining navigable streams of wa-
 ter, declared public highways, to erect dams upon such streams for
 mills and other water-works."

Passed 4th April, 1803.—Recorded in Law Book No. IX. page 249.

CHAPTER MMCCCLXXXVII.

*An ACT to empower the overseers and guardians of the poor of
 the several townships within this commonwealth, to recover cer-
 tain fines, penalties and forfeitures, and for other purposes.*

WHEREAS certain fines, penalties and forfeitures are by di-
 vers acts of Assembly, directed to be paid to Justices of the Peace
 for the use of the poor: And whereas the means by law provided
 for recovering the same from the said Justices, are defective and
 inadequate: For remedy whereof,

SECT. I. *Be it enacted by the Senate and House of Represen-
 tatives of the commonwealth of Pennsylvania, in General Assembly
 met, and it is hereby enacted by the authority of the same, That*
 it shall be the duty of any Justice of the Peace, who shall receive
 by virtue of any act of Assembly, any fine, penalty or forfeiture,
 appropriated to or for the use of the poor, forthwith to enter at length
 on his docket the name or names of the person or persons convict-
 ed, the offence committed, the amount of the fine, penalty or for-
 feiture, and the time when the same was paid; and forthwith shall
 deliver to any constable who may be present at, or whom he shall
 next see after such conviction, a transcript of such entry or entries,
 whose duty it shall be under a penalty of ten dollars, to be recover-
 ed before any other Justice of the Peace of the proper county,
 within twenty days after such delivery to him, to deliver such tran-
 script or transcripts to one of the overseers of the poor of the town-
 ship to which the forfeiture belongs; and such Justice shall at any
 time within two weeks after the receipt of such money, if demand-
 ed, pay over the same to the overseers of the poor lawfully entitled
 thereto: And moreover every such Justice shall annually at the set-
 tlement of the accounts of the supervisors of the highways, of the
 township in which he resides, exhibit his docket, if required to the
 Duty of Jus-
 tices of the
 Peace receiv-
 ing fines, &c.
 appropriated
 to the use of
 the poor;
 to make an
 entry thereof
 on his dock-
 et;
 form of such
 entry;
 and deliver
 to some con-
 stable a
 transcript of
 such entry;
 duty of such
 constable:
 to whom
 such fines
 shall be paid
 and within
 what time:
 Justices to
 make an an-
 nual exhibit
 of their dock-
 ets, if requir-
 ed.

1803. inspection of those who may be elected for the purpose of settling and adjusting the accounts aforesaid.

Penalty on
justices ne-
glecting to
perform the
duties en-
joined by
this act.

SECT. II. *And be it further enacted by the authority aforesaid,* That any Justice of the Peace for wilfully neglecting, or refusing to perform any of the duties enjoined by this act, shall be liable to be indicted, and on conviction be deemed guilty of misbehaviour in office, and fined for the use of the poor of the township in which he shall reside, any sum not exceeding twenty dollars, but if he shall be convicted of neglecting or refusing to pay over to the proper overseers of the poor within the time prescribed by this act, any monies which he shall have received as aforesaid, he shall be fined and pay for the use aforesaid, over and above the fine last aforesaid, any sum not exceeding double the sum or sums which he shall be convicted of having refused or neglected to pay to the proper overseers of the poor.

Duty of Jus-
tices, &c.
who have
heretofore
received and
still hold any
fines, &c. to
pay over the
same to the
overseers of
the poor, &c.

SECT. III. *And be it further enacted by the authority aforesaid,* That it shall be the duty of every Justice of the Peace, or any other person who hath heretofore received any such fines, penalties or forfeitures, and who hath not made payment thereof to the proper overseers of the poor, within six months after the passing of this act, to make out transcripts from his docket, of all such monies by him so received and yet in his hands, and shall forthwith deliver such transcript or transcripts to the constable of the borough or township wherein such conviction did take place, whose duty it shall be under the penalty aforesaid, to deliver the same to the overseers of the poor of his township, within ten days after he shall have received the same; and such Justice shall pay over to the said overseers of the poor within twenty days thereafter, if demanded, all such monies so remaining in his hands, and shall moreover at the next settlement of township accounts, after the passing of this act, submit any docket, if required, which he may have kept previous to the passing of this act, to the inspection of the proper borough or township auditors.

How fines,
&c. in the
hands of Jus-
tices of the
Peace are to
be recovered.

SECT. IV. *And be it further enacted by the authority aforesaid,* That any and every overseer or overseers of the poor, shall be and are hereby authorized and required, by action of debt or trespass on the case, to recover before any other Justice of the Peace or Court of Common Pleas of the proper county, as from the amount the cause shall be more properly cognizable, all the fines, penalties and forfeitures, which now are or hereafter shall be in the hands of any such Justice, if he shall not within the time prescribed by this act, and after demand in writing for that purpose made, pay over the same to the overseers of the poor entitled thereto.

Duty of
Sheriffs who
have hereto-
fore received
certain fines;

SECT. V. And whereas the fine imposed by law on persons who refuse to serve the office of constable, is now paid into the hands of the Sheriff of the proper county, but no provision is made in what manner, and to what purpose such fines shall be appropriated: *Be it therefore enacted by the authority aforesaid,* That it shall be the duty of any Sheriff in this commonwealth, who hath heretofore received any such fine or fines, within six months from and after the passing of this act, to send a notice in writing to the overseers of the poor of the township, wherein the person or persons

who may have been so fined shall have resided, at the time the fine was imposed, informing them therein, as well of the amount in his hands, as of the name or names of the person or persons so fined as aforesaid; which notice he may send by any constable living in or near the proper township, whose duty it shall be to deliver the same to the proper overseers of the poor, within the time and under the penalty mentioned in the third section of this act; and such Sheriff shall pay over all and any such monies to the overseers entitled thereto, within ten days thereafter, if demanded, or at any time when the same shall be demanded; and in default of any of the duties imposed by this act on such Sheriff, he shall be liable to the same pains, penalties and forfeitures, to which Justices of the Peace are liable for similar misconduct.

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to pay over the same to the overseers, &c.

Penalty on Sheriffs making default.

SECT. VI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the clerk of any court within this commonwealth, in case any fine be hereafter imposed by such court, on any person who shall refuse to serve the office of constable, forthwith through any constable living in or near the township, where the person fined resides, to send a written notice thereof to the proper overseers of the poor, informing them as well of the amount of the fine imposed, as of the name of the person fined, for which service the said clerk shall receive twenty-five cents, and no more from the said overseers of the poor, and it shall be the duty of such constable, to deliver the notice within ten days after the receipt of the same, to the overseers of the poor of the proper township, who shall pay him for such service twenty-five cents, to which sum all constables shall be entitled for performing similar services enjoined by this act; and the Sheriff shall after he hath received the said fines, pay over the same on demand made, to the proper overseers of the poor, and if he shall refuse so to do within ten days after such demand made, he shall be subject to all the pains, penalties and forfeitures to which Justices of the Peace are liable by this act for similar misconduct.

Duty of clerks of courts, in case fines are imposed on any persons refusing to serve as constable, to send a written notice thereof to the proper overseers of the poor; purport of the notice; compensation to the clerk for such service, compensation to constables for serving notices; Sheriffs to pay the aforesaid fines to the overseers, &c.

SECT. VII. And whereas by an act passed the twenty-seventh day of February, one thousand seven hundred and ninety-eight, provision is made for the erection of houses for the employment and support of the poor in the counties of Chester and Lancaster, in and whereby the office of overseer of the poor is abolished in the said counties: Therefore, *Be it further enacted by the authority aforesaid,* That the powers conferred and duties imposed by this act, on the overseers of the poor in other counties, are hereby conferred and imposed on the supervisors of the highways in the said counties of Chester and Lancaster, that the Justices of the Peace and Sheriffs within the said counties are hereby required and enjoined to pay to the said supervisors, to be applied for the repair of the highways, the aforesaid fines, penalties and forfeitures within the time, and in the manner prescribed by this act, for the payment thereof in other counties to the overseers of the poor, and to give notice of the receipt thereof to the said supervisors, within the time and in the manner aforesaid, and that for any neglect or refusal to perform any of the duties enjoined on them by this act, the said Justices of the Peace and Sheriffs in the counties of Chester and Lancaster, shall and hereby are declared to be subject to all the

The supervisors of the highways in the counties of Chester and Lancaster invested with all the powers of the overseers of the poor in other counties.

1803.

finest, pains, penalties and forfeitures, to which for similar misconduct, the Justices of the Peace and Sheriffs in other counties are by this act made subject and liable.

The foregoing provisions extended to the city of Philadelphia and its suburbs.

SECT. VIII. *And be it further enacted by the authority aforesaid, That all and singular the provisions of this act, respecting the disposal of any fines and forfeitures incurred under the laws of this commonwealth, and now are or hereafter may be in the hands of any Justice of the Peace, or Sheriff of any county within the state, shall be extended to, and be binding on the Mayor, Alderman and Alderman's Court of the city of Philadelphia, and the Justices of the Peace of the township of the Northern-Liberties and the district of Southwark; and all fines and forfeitures that have been, or hereafter may be received by the Mayor, Aldermen, Aldermen's Court and Justices of the Peace as aforesaid, shall be paid to the guardians of the poor for the city of Philadelphia, the township of the Northern-Liberties, and the district of Southwark aforesaid, and the constables of the city, township and district aforesaid, shall perform the like services, and be entitled to the like compensations, as the constables of any township within this state are entitled to, for services rendered agreeably to the requisitions of this act, and the Mayor, Aldermen and Aldermen's Court of the city of Philadelphia, and the Justices of the Peace of the township of the Northern-Liberties and district of Southwark, shall annually at the settlement of the accounts of the guardians of the poor of said city, township and district, by the auditors appointed for the purpose, exhibit their respective dockets, if required, for the inspection of the said auditors for settlement. (p)*

Passed 4th April, 1803.—Recorded in Law Book No. IX. page 250.

(p) See a supplement to this act, instances fines, &c. paid to the overseers of the poor shall be paid to the 1804, (chap. 2422,) directing in what

CHAPTER MMCCCLXXXVIII.

An ACT to authorize deputy surveyors or assistants to administer oaths to chain carriers.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for deputy surveyors or their regularly authorized assistants, to administer an oath or affirmation, to the persons employed as chain carriers, obliging each of them to the faithful performance of the duty of chain carriers.*

Deputy-surveyors empowered to administer oaths to chain carriers.

Passed 4th April, 1803.—Recorded in Law Book No. IX. page 256.

CHAPTER MMCCCLXXXIX.

An ACT to alter and amend the act, entitled "An act to regulate the general elections within this commonwealth."*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assem-*

[Original act, vol. 3, pa. 340.]

* Of, in the original.

bly met, and it is hereby enacted by the authority of the same, That 1803.
 any Judge of the Court of Common Pleas, Alderman or Justice of the Peace, who may be present at the election, shall administer the oaths or affirmations directed by the act passed the fifteenth of February, one thousand seven hundred and ninety-nine, entitled "An act to regulate the general elections of this state," to be taken by the judges, inspectors and clerks of the election, but if no Judge, Alderman, or Justice of the Peace be present at the election, or cannot be conveniently had, one of the judges, after first having the oath or affirmation required by the aforesaid act, administered to him by one of the other judges, shall administer the oaths or affirmations to the other judges and to the inspectors and clerks, and the powers and duties heretofore assigned to agents, shall henceforth cease.

Judges, inspectors and clerks of elections, by whom to be sworn.

SECT. II. *And be it further enacted by the authority aforesaid,* That if the assessor of any township, borough or ward, knowing a person liable by law to be assessed, shall refuse or neglect to assess and return him to the commissioners of the county, such assessor being thereof convicted before any Justice of the Peace, or Court of Quarter Sessions of the Peace, shall for every such refusal or neglect, be fined, and pay to the use of the poor, of the city, borough, county or township, where the party aggrieved resides, besides the costs of prosecution, any sum not less than twenty nor more than twenty-six dollars, and if in the alphabetical list of taxables, directed by law to be delivered to the inspectors of the several election districts, the commissioners aforesaid, shall wilfully omit to insert the name of any person duly assessed and returned to them by such assessor as aforesaid, and shall be thereof convicted, before any Court of Quarter Sessions, they shall for every such wilful omission be fined and severally pay, besides the costs of prosecution, any sum not exceeding sixty nor less than thirty dollars, to the use of the poor of the city, borough, county or township where the person whose name shall so as aforesaid be omitted, in the said list of taxables resides, and the party aggrieved shall in every case be a competent witness, to prove such refusal, neglect or wilful omission, any law or usage to the contrary thereof, in anywise notwithstanding.

Penalty on assessors neglecting to assess and return persons subject to taxation.

SECT. III. *And be it further enacted by the authority aforesaid,* That the inspectors of the general election shall be chosen by ballot, at the time and manner as is directed in the second section of the act, entitled "An act to regulate the general elections within this commonwealth," passed the fifteenth of February, one thousand seven hundred and ninety-nine, viz. on the Saturday next preceding the first Tuesday in October, in each year,* except as to the time of closing the poll in the city of Philadelphia, the township of the Northern-Liberties and the district of Southwark, where the same may be kept open, until nine o'clock in the same evening.

Time and manner of choosing inspectors.

[* But by an act passed 17th March, 1806, (chap. 2665,) all township elections are to be held on the Friday preceding such Saturday.

SECT. IV. *And be it further enacted by the authority aforesaid,* That no body of troops, being regularly employed in the army of the United States or of this state, shall appear and be present, either armed or unarmed, at any place of election within this state, during the time of said election; *Provided,* That nothing herein

No body of regular troops to appear at a place of election.

1803. contained shall be so construed, as to prevent any officer or soldier from exercising the right of suffrage, in the district to which he belongs, if otherwise qualified agreeably to the laws and constitution of this commonwealth.

Commissioners of the several counties to deliver the tax list to the inspectors, on the election morning, and penalty for neglect thereof.

SECT. V. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners of the several counties within this commonwealth, to cause to be delivered to the inspectors of the several election districts within their respective counties, on or before nine of the clock of the morning of the election, a separate alphabetical list of the names and sir names, of all the male taxable persons of each ward, borough and township, inhabiting within the same, who have been assessed for a state or county tax, at least six months before that day; and also a sufficient number of blank forms and returns, made out in a proper manner, and headed as the nature of the election may require, which lists, forms and returns shall be delivered as aforesaid, under the penalty of fifty dollars, on each commissioner for every such neglect thereof.

Of making returns, in cases where counties consist of more than one district or where members of congress, &c. are to be elected.

SECT. VI. *And be it further enacted by the authority aforesaid,* That in cases in which counties consist of more than one election district, or in cases where one or more members of congress, or members of the senate or house of representatives of the general assembly of the commonwealth, are to be elected, and in case of the election of Governor, the judges from each county, and the judges from each election district, whose duty it shall be, agreeably to the aforesaid act, to take charge of the certificate or certificates of the elections of said counties or districts, when met, shall at the place and the time appointed by law, cast up the several county or district returns as the case may be, and make duplicate returns of the person or persons chosen for the county or counties, if there is more than one county connected in the election, and one of each returns, if there are more than one, shall be deposited in the prothonotary's office of the county, in which they meet, and one other of the returns under a sealed cover, directed to the secretary of the commonwealth, shall be by the said judges placed in one of the nearest post offices, and it shall also be the duty of the said judges to transmit to each of the persons elected to serve in congress or in the senate or house of representatives, a certificate of the returns of his election, and each judge who shall attend to cast up and make out the said returns shall be allowed ten cents for every mile, which he shall necessarily travel in performing that service: [*Provided however,* 'That daily wages shall not be allowed to judges or inspectors.]

[This provision is repealed by act of 2d April, 1804, chap. 2493.]

Repeal of so much of the act of February 7th, 1799, as is hereby altered.

SECT. VII. *And be it further enacted by the authority aforesaid,* That all and every part of the aforesaid act, entitled "An act to regulate the general elections of this state," passed the fifteenth of February, one thousand seven hundred and ninety-nine, which is by this act, altered, amended, or supplied, be, and the same is hereby repealed and made null and void.

PASSED 4th April, 1803.—Recorded in Law Book No. IX. page 256.

A C T S

OF THE

General Assembly of Pennsylvania.

Passed at a session which was begun and held at Lancaster on Tuesday, December 6th, 1803, and from thence continued until April 3d, 1804, (inclusive.)

THOMAS M'KEAN, GOVERNOR.

ROBERT WHITEHILL, SPEAKER OF THE SENATE.

SIMON SNYDER, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

1804.

CHAPTER MMCCCXC.

An ACT to revive the act, entitled "A supplement to the act, entitled "An act to extend the powers of the Justices of the Peace of this state." [Original act, vol. 3, pa. 354.]

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled "A supplement to the act, entitled An act to extend the powers of the Justices of the Peace of this state," passed the first day of March, one thousand seven hundred and ninety-nine, and every matter therein contained (except the limitation thereof) be, and the same is hereby revived and made perpetual. (q)

Recorded in Law Book No. IX. page 265.

(q) This act was returned by the Governor, without his signature with his objections thereto, on December 8th, 1803.

See Journals of the House of Representatives 1803-4, page 17.—Journals of Senate 1803-4, page 13. It was reconsidered and passed in the House of Representatives, by two thirds of the

members, December 22d, 1803—and in the Senate it was reconsidered and passed by two thirds of the members January 2d, 1804.—It therefore became a law on the 2d of January, 1804. See Journals of the House of Representatives, page 100. Yeas 75, nays 6.—Journals of Senate, page 81. Yeas 20, nays 2. (Note to former edition.)

1804.

CHAPTER MMCCXCXI.

An ACT for the inspection of butter intended for exportation.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* all butter exported from any port or place on the river Delaware, within this commonwealth, after the first day of October, one thousand eight hundred and four, shall before exportation be inspected by a person or persons appointed and commissioned by the Governor, each of whom so appointed shall before he enters on the duties of his office, make oath or affirmation before the Mayor or any Alderman of the city of Philadelphia, or Justice of the Peace for the county in which he or they shall have been appointed, faithfully and impartially to perform his duty and trust to the best of his capacity and skill, according to the directions of this act, and shall have power to appoint a deputy or deputies, who shall, before entering on the duties herein prescribed, take the oath or affirmation aforesaid.

Butter exported from any place on the Delaware, after the first of October, 1804, to be first inspected by a sworn inspector.

Who shall have power to appoint a deputy.

Quantity of butter to be contained in each keg.

Dimensions and quality of the kegs.

SECT. II. *And be it further enacted by the authority aforesaid, That* every keg containing butter for exportation as aforesaid, after the first day of October, one thousand eight hundred and four, shall contain fifty pounds of butter, sufficiently salted for exportation, and shall be packed in kegs of the following dimensions, viz. the staves to be of the length of sixteen and one half inches, the diameter of the head eleven inches, and the diameter of the bulge thirteen inches, and made of sound and well seasoned timber, with at least ten hoops on each keg, and fastened with three iron nails in each head hoop, each keg shall be weighed and tared, and the tare marked on one of the heads with a marking iron in legible characters.

Manner of inspecting and marking the kegs.

SECT. III. *And be it further enacted by the authority aforesaid, That* every keg containing butter shall be inspected before it be laden on board of any vessel for exportation, by boring a hole through the head, and piercing the butter through with a proper instrument, in order to ascertain the quality thereof, and if any inspector appointed as aforesaid, finds the butter of first quality, he shall brand the keg with the letters S. P. first quality, and if found merchantable, but inferior to the first, he shall brand it S. P. second quality, and if found not merchantable, then the said inspector shall impress and brand a distinct mark of a X. thus (each stroke of the said cross shall be at least two inches long) on one head of every such keg containing butter as aforesaid.

Penalty on loading on board any vessel, and exporting butter not inspected.

Appropriation of the

SECT. IV. *And be it further enacted by the authority aforesaid, That* every person or persons who shall load on board of any vessel in the river Delaware within this commonwealth, any butter not inspected and marked as merchantable, shall forfeit and pay for every keg so laden contrary to this act, one dollar, and all and every person or persons who shall export butter as aforesaid, in other or different kind of kegs, than is hereby directed or described, and containing less than fifty pounds of butter, shall forfeit and pay for each and every such offence, one dollar for each keg, one moiety

of such fines for the use of the informer, and the other moiety to the inspector for the use of the commonwealth, to be recovered as other debts of equal amount, are by law recoverable.

1804

finer, and
how to be
recovered.
Inspector's
compensa-
tion,

SECT. v. *And be it further enacted by the authority aforesaid,* That the said inspectors shall and may lawfully demand, receive and take the sum of four cents, and no more, for inspecting, examining, branding and plugging each, and every keg, together with such other and further allowance and compensation, as shall and may be reasonable and customary for the expense and trouble of cooperage, and putting the same into good and merchantable order and condition: *Provided*, it shall and may be lawful to and for the owner or owners of the said butter, his or their agents, to employ any person or persons other than the said inspectors, to perform the cooperage necessary to put the same in good and merchantable order and condition as aforesaid; the expense of inspection to be paid by the purchasers, and the expense of cooperage, if any be necessary, to be paid by the seller.

SECT. vi. *And be it further enacted by the authority aforesaid,* That the ninth section of the act, entitled "A supplement to an act, entitled "An act more effectually to prevent unfair practices in the packing of beef and pork for exportation, and to regulate the exportation of flaxseed, butter and biscuit in kegs," passed the twelfth day of March, one thousand seven hundred and eighty-nine, shall be, and the same is hereby repealed.

Repeal of
part of a for-
mer law,
[vol. 2, page
478.]

Passed 7th January, 1804.—Recorded in Law Book No. IX. page 266.

CHAPTER MMCCCXCII.

An ACT to ratify on behalf of the state of Pennsylvania, an amendment to the constitution of the United States, relative to the choosing of a President and Vice-President of the United States.

WHEREAS, in pursuance of the fifth article of the constitution of the United States, a certain amendment, in lieu of the third paragraph of the first section of the second article of the constitution of the United States, has been proposed by the Congress of the United States, two-thirds of both houses concurring, for the consideration of the legislature of the several states: And whereas, the legislature of Pennsylvania, having maturely deliberated thereon, have resolved to adopt and ratify the same, as herein after recited, as part of the constitution of the United States: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the following amendment of the constitution of the United States proposed by the Congress thereof, viz. "The electors shall meet in their respective states, and vote, by ballot, for President and Vice-President, one of whom at least shall not be an inhabitant of the same state with themselves, they shall name in their ballots, the

Ratification
of an amend-
ment propos-
ed by Con-
gress to the
constitution
of the United
States.

1804. person voted for as president, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate, shall in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President; but in choosing the President, the votes shall be taken by states; the representation from each state having one vote; a quorum, for this purpose, shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice; and if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President; the person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum, for the purpose, shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice; but no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States," in lieu of the third paragraph of the first section of the second article of the constitution of the United States, be, and it is hereby ratified on behalf of the state of Pennsylvania, to become, when ratified by the legislatures of three fourths of the several states, part of the constitution of the United States. (r)

Passed 7th January, 1804.—Recorded in Law Book No. IX. page 268.

(r) The amendment adopted by this part of the constitution of the United States, having been ratified by the constitutional number of states, has become States. (Note to former edition.)

CHAPTER MMCCCXCIII.

An ACT altering and erecting certain election districts in the county of Somerset.

SECT. I. *BE. it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That*

from and after the passing of this act, all that part of **Stoney creek township**, in **Somerset county**, lying north of a line beginning at **Somerset township line**, near **Schriocks' cabin**, from thence a straight line to the mouth of **Neymayers' creek**; thence up said creek to the mouth of **Clear run**; thence up said run to the forks thereof, thence up the northerly fork of said run to the head thereof; and from thence a straight line to the breast works where it strikes the division line of **Bedford and Somerset counties**, shall be annexed to the **Quimahoning district**, and the electors thereof shall hold their general elections at the house now occupied by **John Powl**, in **Stoys' town**. **1804.**

A certain part of Stoney creek township, in Somerset county, annexed to the Quimahoning district.

Elections therein to be held at Stoys Town.

SECT. II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, all that part of **Stoney creek township**, in **Somerset county**, lying south of a line described in the foregoing section, shall be annexed to the district of **Brothers valley township**, and the electors thereof shall hold their general elections at the house now occupied by **John Flacher**, in the town of **Berlin**.

Another part thereof annexed to Brothers valley township, and elections to be held in the town of Berlin.

SECT. III. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the township of **Elk-lick**, in **Somerset county**, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by **John Welch** in **Elk-lick township** aforesaid.

Elk-lick township to be a new district, &c.

SECT. IV. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the township of **Addison**, in **Somerset county**, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by **John Mitchel, Esquire**, in **Addison township** aforesaid; any law or laws to the contrary notwithstanding.

The township of Addison to be a separate election district.

Passed 7th January, 1804.—Recorded in Law Book No. IX. page 270.

CHAPTER MMCCCXCVI.

An ACT directing the mode of taking testimony in cases of complaint against Justices of the Peace.

WHEREAS frequent applications are made to the Legislature for the removal of **Justices of the Peace** from office: And whereas the parties frequently reside so far from the seat of government, as in a great measure to prevent that full and fair examination of witnesses, and investigation of the subject, which the nature of the case requires: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the **Chief Justice** of the state, or any other of the **Justices of the Supreme Court**, or the **President**, or any **Associate Judge** of any of the **Courts of Common Pleas**, on complaint made in writing, signed by at least twenty of the taxable inhabitants of any township, or county, against any **Justice of the Peace** residing therein, to issue his process to any constable, com-

Mode of proceeding to take the examination of witnesses, in cases of complaint against Justices of the Peace.

1804. manding him to summon the said Justice so complained of as aforesaid, to appear before him on a day to be mentioned therein, which shall not be more than ten, nor less than five days from the date of such process; and also to issue compulsory process to compel the attendance, as well of the witnesses named by the complainants, as those whom such Justice of the Peace shall require in his behalf; and on the day appointed for a hearing, the said Judge shall proceed to examine on oath or affirmation, all such witnesses as may appear, as well those who may be produced to substantiate any of the charges against such Justice of the Peace, as those whom he may produce in his behalf, and shall fairly, carefully, and impartially write down all depositions, cross-examinations, and interrogatories as aforesaid taken, and shall thereupon seal up, and transmit the same to the Secretary of the commonwealth, who shall lay them before the Legislature.

Allowance to witnesses and constables, and fund out of which to be paid.

SECT. II. *And be it further enacted by the authority aforesaid,* That each witness for attendance before any Judge, in conformity to the provisions of this act, shall be allowed for each day spent as aforesaid, fifty cents, and the constable serving each process, shall be allowed such fees, as he is entitled to by law for similar services under legal process from a Justice of the Peace: And the judge shall transmit a certified schedule, or list of the names of the witnesses, and the time they respectively attended, together with the account of the costs upon each process, served by the constable to the commissioners of the county, and the expense of such attendance and service, together with all other necessary expenses arising under the provisions of this act, shall be paid out of the monies raised for the use of the proper county, in which such Justice resides, upon warrants drawn by the commissioners of the county, upon the county treasurer.

Passed 14th January, 1804.—Recorded in Law Book No. IX. page 274.

CHAPTER MMCCCXCVIII.

An ACT enabling certain trustees to sell and dispose of the real estate of Henry Meckley, a lunatic. (s)

Passed 14th January, 1804.—Private Act.—Recorded in Law Book No. IX. page 277.

(s) The Trustees of H. Meckley, a lunatic, empowered to sell and convey his real estate, and to give security that the money arising from such sale, shall be disposed of for the benefit of the lunatic. (Note to former edition.)

CHAPTER MMCCCXCIX.

An ACT to alter the limits of the borough of Beaver.

SECT. 1. [THE easterly side of big Beaver creek, separated from the borough. Original act, vol. 3, page 495, post. chap. 2622.]

Passed 14th January, 1804.—Recorded in Book No. IX. page 278.

CHAPTER MMCCCCII.

1804.

An ACT erecting the townships of Rockhill, Bedminster, and Hilltown, in the county of Bucks, into an election district.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the townships of Rockhill, Bedminster, and Hilltown, in Bucks county, shall form an election district; and the electors thereof shall hold their general elections at the house now occupied by Henry Trumbour, in Rockhill township aforesaid: any law to the contrary notwithstanding.

A new election district erected in Bucks county.

Passed 20th January, 1804.—Recorded in Law Book No. IX. page 282.

CHAPTER MMCCCCIV.

A SUPPLEMENT to the act, entitled “ An act to enable the owners of Greenwich Island to embank and drain the same, to keep the outside banks and dams in good repair for ever, and to raise a fund to defray sundry contingent yearly expenses accruing thereon. (t) ”

[Original act, chap. 455, vol. 1, page 227.]

Passed 30th January, 1804.—Private Act.—Recorded in Law Book No. IX. page 285.

(t) Managers to assess the owners and possessors in proportion to the number of acres held by them respectively, their share of the expenses estimated to be necessary to keep and maintain the banks, &c. in repair; to issue their warrants and deliver lists of assessment to the treasurer, who is to levy the same, and costs, in case of neglect or refusal to pay within thirty days after demand; if paid by tenant, to be deducted from his rent.

Managers to make the repairs, and dispose of the money, &c. and to have free ingress, egress and regress, &c. No notice required to the owner—to drain water from the low parts of meadows, at individual or general expense, as the benefit may be general or parti-

cular, to be determined by the managers not interested. Damages, if any sustained, to be paid. In case of neglect of owners to choose managers, the managers and treasurer of the preceding year, to execute the powers, &c.

Election of managers, &c. to be on the first Monday in March annually; but the managers may appoint a different time, giving three days notice in two of the Philadelphia newspapers. Each owner to keep the banks opposite his ground clear of brambles. The original act, so far as it authorized a division of the island into districts, or required an annual deposit of money, repealed; and all former divisions or districts declared void. (*Note to former edition.*)

CHAPTER MMCCCCV.

A SUPPLEMENT to an act, entitled “ An act to provide for the erection of houses for the employment and support of the poor in the counties of Chester and Lancaster.”

[Ante. vol. 3, page 306.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the directors of the poor

The directors of the poor and of

1804. and of the house of employment for the counties of Chester and Lancaster respectively, or a majority of them, shall have like power and authority to bind out apprentices such poor children as may, from time to time, come under their care as overseers of the poor, together with the consent of two or more Justices of the Peace, have under the act, entitled "An act for the relief of the poor," passed the ninth day of April, one thousand seven hundred and seventy-one.

the house of employment in the counties of Chester and Lancaster, empowered to bind out apprentices, &c.

Passed 30th January, 1804.—Recorded in Law Book No. IX. page 290.

CHAPTER MMCCCVII.

An ACT declaring Le Bœuf Creek, in the county of Erie, from the town of Waterford, to Brotherton's Mills, a public highway.

A certain part of Le Bœuf creek, made a public highway.

Provision in favour of persons owning or possessing lands on said creek.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That,* from and after the passing of this act, Le Bœuf creek, in the county of Erie, from the town of Waterford, up to Brotherton's mills, be and the same is hereby declared a public highway, for the passage of rafts, boats or other vessels, and it shall and may be lawful for the inhabitants and others, desirous of using the navigation of said creek, to remove all the natural obstructions in the said creek : *Provided, That any person or persons, owning or possessing land on said creek, shall have liberty to erect any dam, or dams, across the same, agreeably, and subject to all the restrictions, and provisions of an act of the General Assembly of this commonwealth, passed the twenty-third day of March, one thousand eight hundred and three, entitled "An act, to authorize any person or persons, owning lands adjoining navigable streams of water, declared public highways, to erect dams upon such streams for mills and other water works."*

Passed 30th January, 1804.—Recorded in Law Book No. IX. page 292.

CHAPTER MMCCCVIII.

An ACT to incorporate "The Union Insurance Company of Philadelphia." (u)

Passed 6th February, 1804.—Private Act.—Recorded in Law Book No. IX. page 293.

(u) An association of citizens, formed for the purpose of making insurances upon maritime and other risques, incorporated by the name of "The Union Insurance Company of Philadelphia;" the clear yearly income of their real estate, not at any time, to exceed 10,000 dollars; all the estate, records, books,

&c. belonging to the association, at the passing of this act, transferred to, and vested in the corporation; and all contracts, engagements, &c. of the former made obligatory upon the latter; but not to impair the obligation of any contract entered into by the said association.

The capital stock to amount to 500,000 dollars, divided into 5000 shares of 100 dollars each, transferable: stockholders refusing or neglecting to pay the balances for their respective shares, to forfeit the money paid, and all interest and claim of, in, to, and out of the capital stock and funds of the company, and the profits arising therefrom, on account of the shares so forfeited. The capital stock to be vested in the public securities of the United States, or some one of them; or in the stock of any other incorporated monied institution, in Pennsylvania, or loaned to the state in any sum not exceeding 50,000 dollars, &c. or loaned on security of real estate within the city and county of Philadelphia. Directors empowered to sell and transfer, from time to time, all or any such public or other securities, stocks, or evidences of debt or duty, and re-invest the proceeds in the same, or any other of the aforesaid securities and stocks.

Thirteen directors to be chosen on the second Monday in February in each and every year, by the stockholders in person, or by proxy. None but resident citizens of Pennsylvania, to vote as proxies. No stockholder to have more than twenty votes; the number of votes to be in proportion to the stock held; four shares or less entitles to one vote, five shares, and not more than nine, two votes, &c.

General meeting of the stockholders to be on the second Monday in February in every year, and any number of stockholders, proprietors of at least one thousand shares, may call a general meeting at any other time, giving three weeks notice, &c.

The stockholders at their general meeting to make and ordain all necessary and lawful rules and regulations for governing and well ordering the affairs of the company, to fix the compensation to the president, or to any of the directors, and may require from the directors, and other officers, any infor-

mation they shall deem useful and proper, together with the inspection of any books, papers, &c.

Directors to be resident citizens of Pennsylvania, to serve for one year, and until other directors be chosen; to choose one of their number as president, &c. and appoint all necessary officers, clerks and servants, and fix their compensation; and exercise all powers and perform the duties entrusted to them by the stockholders at any general meeting, and at every general meeting to lay before the stockholders, a true statement of their affairs.

The president and directors to make all kinds of marine insurance; all kinds of insurance upon the inland transportation of goods, wares and merchandises, all kinds of insurance against fire in town or country in this state, or any of the United States, and insurances upon a life or lives; and lend money upon bottomry and respondentia, &c.

Directors to meet as a board and divide themselves into committees of at least two directors, who shall attend in weekly rotation at the office, and together with the president, transact the current business, &c. directors to hold stated meetings once in two weeks, and occasional meetings when summoned by the president.

Dividends to be declared on the first Mondays in February and August in each year; but premiums on undetermined risques, not to be computed as part of the profits. In case of diminution of capital stock by loss, no dividend to be made, until the amount of such diminution is replaced and added to the capital; and until replaced, president and every director, consenting to such dividend, shall be accountable to the company for, and pay the amount thereof.

This act limited to 1st January, 1815, and the powers afterwards continued for the liquidation and settlement of all the past transactions and accounts of the company. (*Note to former edition.*)

CHAPTER MMCCCCIX.

An ACT to incorporate the Phoenix Insurance Company of Philadelphia. (x)

Passed 6th February, 1804.—Private Act.—Recorded in Law Book No. IX. page 301.

(x) An association of citizens formed for the purpose of making insurances upon maritime and other risques incorporated by the name of "The Phoenix Insurance Company of Philadelphia,"

—the clear yearly income of their real estate not, at any time, to exceed the sum of ten thousand dollars.—All the estate, records, books, &c. belonging to the association, at the passing of this

1804.

act, transferred to and vested in the corporation, and all contracts, engagements, &c. of the former made obligatory on the latter—but not to impair the obligation of any contract entered into by said association. The capital stock to be six hundred thousand dollars and divided into six thousand shares of one hundred dollars, transferable on specified terms. Stockholders refusing or neglecting to pay the balances for their respective shares, to forfeit the money paid and all interest and claim of, in, to, and out of the capital stock and funds of the company, and the profits arising therefrom on account of the share so forfeited. The capital stock may be vested in the public debt of the United States, in bank stock or in the stock of any company incorporated by the state of Pennsylvania, or the United States, in bills of exchange, or bonds secured by mortgages on sufficient real estates within the city and county of Philadelphia, or loaned to the state in any sum not exceeding sixty thousand dollars, &c. Directors to call in, or transfer the stock, and re-invest the monies in the same, or other funds, when they may deem it expedient, &c.

Affairs of the company to be managed by nine directors to be chosen by ballot on the first Monday in January in each year, who shall choose a president out of their own number, and a vice-president, if necessary.

Corporation not to be dissolved by neglect—to choose directors on the day, but they may be chosen on any day within thirty days thereafter. A director chosen a director of any other insurance company, his place to be filled up by the board of directors.

Directors to appoint necessary officers, clerks and servants, and fix their compensations, &c.

The president or vice-president may make all kinds of marine insurances, insurances against fire, on lives, on the

inland transportation of goods, wares and merchandises, and lend money on bottomry, or respondentia, &c. Stated meetings of directors to be once in two weeks, and occasional meetings when the president or vice-president shall deem it expedient; a committee of at least two directors to attend in weekly rotation at company's office, with whom it shall be the duty of the president and vice-president to advise touching the affairs of the company.

Dividends to be declared on the first Mondays in June and December, in each year, but premiums or undetermined risques not to be considered as profits, and in case of a diminution of the capital stock by losses, no dividend shall be made till a sum equal to such diminution shall be added to the capital stock, and directors consenting to such dividend, shall account for, and pay it to the company.

Compensation of president and vice-president or of any director, to be fixed by the stockholders, at a general meeting. All policies, &c. shall be subscribed by the president as president, or by the vice-president as vice-president of 'The Phoenix, &c.' Losses to be adjusted by the president or vice-president and board of directors. Policies may be made with the members, as individuals. No stockholder indebted to the company, shall make transfers, or receive dividends, till the debt is paid or secured. General meetings of stockholders to be on the second Monday in December in every year—but stockholders proprietors of one thousand shares may call general meetings, giving two weeks notice, and specifying the objects of such meetings. Stockholders may vote in person, or by proxy, entitled to one vote for every three shares, but shall have no more than fifteen votes.

Limitation the same as in the preceding act. (*Note to former edition.*)

CHAPTER MMCCCCX.

[See vol. 2,
page 13, and
vol. 3. pa. 2.]

*An ACT to continue in force for a limited time, the Act entitled
"An Act, for instituting a Board of Property, and for other purposes therein mentioned."*

SECT. 1. [THE principal act continued for seven years, expired and supplied.]

SECT. II. *And be it further enacted by the authority aforesaid,* That in addition to the powers heretofore vested in the Board of Property, said Board, or any member thereof, is hereby authorized to administer oaths, or affirmations to witnesses, and others, in all

The Board
of Property,
or any mem-
ber thereof,
empowered

cases that may be necessary to the discharge of the duties of the Board. 1804.

Passed 6th February, 1804.—Recorded in Law Book No. IX. page 309.

to administer oaths.
[See act of
29th March,
1809, § 8.]

CHAPTER MMCCCCXI.

An ACT appointing a trustee in the county of Centre.

Passed 6th February, 1804.—Local Act.—Recorded in Law Book No. IX. page 311.

[James Potter appointed in the room of Andrew Gregg.]

CHAPTER MMCCCCXII.

An ACT declaring Wyosox creek, from the mouth thereof, to Jacob Myers' mill-dam, in the county of Luzerne, a public stream or highway.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, Wyosox creek, in the town of Claverack, in the county of Luzerne, from the mouth of the same, to Jacob Myers' mill-dam, is hereby declared a public stream or highway, for the passing of rafts, boats or other vessels; and it shall and may be lawful for the inhabitants and others, desirous of using the navigation of said creek, to remove all natural obstructions in the same: *Provided, That* any person or persons, owning or possessing land on said creek, shall have liberty to erect any dam or dams across the same, agreeably and subject to all the restrictions and provisions of an act of the General Assembly of this commonwealth, passed the twenty-third day of March, one thousand eight hundred and three, entitled an act to authorize any person or persons, owning land adjoining navigable streams of water, declared public highways, to erect dams upon such streams for mills, and other water-works.

A certain part of Wyosox creek, in the county of Luzerne, made a highway.

Proviso in favour of persons owning lands on said creek.

Passed 6th February, 1804.—Recorded in Law Book No. IX. page 311.

CHAPTER MMCCCCXIII.

An ACT to provide for the erection of a house for the employment and support of the poor in the county of York.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* a house for the employment and support of the poor shall be erect-

Poor-house to be erected in York county.

1804. ed in the county of York, in the manner and under the conditions hereinafter prescribed and enacted.

Directors
how to be
elected.

SECT. II. *And be it further enacted by the authority aforesaid,* That the citizens of York county shall, at the next general election after the passing of this act, in the manner prescribed for the election of members of the House of Representatives of this commonwealth, elect three reputable citizens of the said county, to be directors of the poor, and of the house of employment, for the county of York; and the Judges of election of the said county shall, immediately on receiving the returns from the several election districts, and casting up the number of votes therein, or within three days after, certify, under their hands and seals, the names of the directors so chosen, to the clerk of the Court of Quarter Sessions of the said county, who shall file the said certificate in his office, and forthwith give notice in writing to the said directors, of their being elected; and the said directors shall meet at the court-house in the borough of York, on the first Monday in November next ensuing their election, and divide themselves into three classes; the place of the first to be vacated at the expiration of the first year; of the second at the expiration of the second year; and of the third at the expiration of the third year; so that those who shall be chosen after the first election, and in the mode above prescribed, may serve for three years, and one third be annually chosen.

Certificate of
the election.

Meeting of
the direc-
tors, and ro-
tation of
service.

Qualifica-
tion of di-
rectors, and
penalty for
neglect or re-
fusal to
serve.

SECT. III. *And be it further enacted by the authority aforesaid,* That every director elected in manner aforesaid, shall within ten days after his appointment, and before he enters upon the execution of his office, take an oath or affirmation, according to law, which any Justice of the Peace of the said county is hereby authorized to administer, that he will discharge the office of director of the poor truly, faithfully and impartially, to the best of his knowledge and ability; and in case of neglect or refusal to take the necessary oath or affirmation, for the faithful execution of said office, within the time aforesaid, he shall forfeit and pay the sum of thirty dollars, for the use of the poor of the said county: *Provided always,* That no person shall be elected a director of the poor, for the said county, who is not a citizen of this state.

None but ci-
tizens to be
directors.

The direc-
tors incorpo-
rated.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said directors respectively shall, for ever hereafter, in name and in fact, be one body politic and corporate in law, to all intents and purposes whatsoever, relating to the poor of the said county of York, and shall have perpetual succession, and may sue and be sued, plead and be impleaded, by the name, style and title of "The Directors of the Poor and of the House of Employment for the county of York;" and by that name shall and may respectively receive, take and hold any lands, tenements and hereditaments, not exceeding the yearly value of five thousand dollars, and any goods and chattels whatsoever, of the gift, alienation or bequest of any person or persons whomsoever; to purchase, take and hold any lands and tenements within the said county of York, in fee-simple or otherwise, and erect suitable buildings thereon, for the reception, use and accommodation of the poor of their several townships; to provide all things necessary for the reception, lodging, maintenance

Style of the
corporation.
Its immuni-
ties, powers
and duties.

and employment of the said poor; to appoint a treasurer annually, who shall give bond, with sufficient surety, for the faithful discharge of the duties of his office, and that at the expiration thereof, he will well and truly pay and deliver over to his successor, all monies, bonds, notes, books, accounts and other papers, to the said corporation belonging, which shall then be remaining in his hands, custody and possession; to employ, and at pleasure remove, a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other necessary attendants for the said poor respectively; to bind out as apprentices, to any art, mystery or occupation, so that such apprenticeship may expire, if males, at or before the age of twenty-one years, if females at or before the age of eighteen years, such poor children as shall come under their notice, or as may now be bound apprentices by the overseers of the poor, and to exercise and enjoy all such other powers now vested in the overseers of the poor as are not herein granted or supplied; and the said directors respectively shall be empowered to use one common seal in all business relating to the said corporation, and the same, at their pleasure, to alter or renew.

1804.

May appoint a treasurer of the corporation; his qualification and duty.

Employ stewards, &c.

Bind out apprentices, &c.

Seal of the corporation.

SECT. v. *And be it further enacted by the authority aforesaid,* That the said directors, as soon as may be after their election and organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands, erecting the necessary buildings, furnishing the same, and maintaining the poor within the said county of York for one year; whereupon the commissioners of York county shall, and they are hereby authorized and required to increase the county tax by one-fourth part of the sum necessary for the purposes aforesaid; and shall procure on loan, on the credit of the taxes herein directed to be levied, the remaining three-fourths thereof, to be paid in instalments, with interest, out of the county taxes: *Provided always,* That if such loan cannot be made, the whole amount of the sum necessary for the purposes aforesaid, or such part thereof as may be deemed proper, shall immediately be added to the county tax; to be paid by the county treasurer to the directors aforesaid, on orders drawn in their favour by the county commissioners, as the same may be found necessary.

Estimates to be made of the expense of erecting buildings, &c.

Tax to be raised for defraying the same.

SECT. vi. *And be it further enacted by the authority aforesaid,* That the said directors shall, at least once in every year, render an account of all the monies by them received and expended to the auditors appointed to audit and settle the county accounts, subject to the same penalties, rules and regulations as are by law directed respecting the accounts of the county commissioners, and shall also, at least once in every year, lay before the Court of Quarter Sessions and Grand Jury of York county, a list of the number, ages and sex of the persons maintained and employed in the said house of employment respectively, and of the children by them bound out to apprenticeships, to serve as aforesaid, with the names of their masters and mistresses, and their trade, occupation or calling; and shall, at all times when required, submit to the inspection and free examination of such visitors as shall, from time to time, be appointed by the said Court of Quarter Sessions, all their books, accounts, affairs and economy, together with the rents, interests and monies paya-

Time and manner for rendering the accounts of the directors.

Return of persons in the poor-house.

Inspection of the books.

1804.

ble and receivable by the said corporation, and also an account of all sales, purchases, donations, devises and bequests as shall have been made by or to them.

Trustees appointed to fix the place for erecting the poor-house.

SECT. VII. *And be it further enacted by the authority aforesaid,* That Martin Gartner, Samuel Collins, Abraham Graffius, Christian Hetrick, Peter Small, Peter Storm, John Heneisen, Henry Griger and Daniel Spangler, of the county of York, be, and they are hereby authorized, empowered and directed, to receive and hear such applications, as shall be directed to them, respecting the place which may be deemed most proper for erecting the buildings for the employment and support of the poor as aforesaid, and shall, on or before the first day of July next, determine upon and fix the place on which the buildings shall be erected, and shall certify their proceedings under their hands and seals, to the clerk of the Quarter Sessions of the county of York, to be filed in his office.

Who shall report to the clerk of Quarter Sessions.

When and how the poor shall be removed to the building erected in pursuance of this act.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That so soon as the said buildings shall be erected, and all necessary accommodations provided therein, notices shall be sent, signed by any two of the said directors of the said county, to the overseers of the poor of the several townships and borough of York, requiring them forthwith to bring the poor of the said townships and borough to the said house of employment; which order the said overseers are hereby enjoined and required to comply with, otherwise to forfeit the costs of all future maintenance, except in cases when by sickness or other sufficient cause any poor person cannot be removed; in which case, the overseers shall represent the same to the nearest Justice of the Peace, who, being satisfied of the truth thereof, shall certify the same to the said directors, and at the same time issue an order, under his hand and seal, to the said overseers, directing them to maintain such poor until such time as he or she shall be in a situation to be removed; then to convey the said pauper and deliver him or her to the steward or keeper of the said house of employment, together with said order; and the charge and expense of such temporary relief, and of such removal, shall be paid by the said directors, at a reasonable allowance.

Exception as to the sick, and how they shall be provided for.

The directors required to provide for and employ the poor.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the said directors shall, from time to time, receive, provide for and employ, according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in the county of York, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two Justices of the Peace, directed to any constable of the said county, or to the overseers of the poor of the proper township in any other county in this commonwealth, and to the directors of the poor and house of employment of said county.

Power of the directors to make rules and regulations.

SECT. X. *And be it further enacted by the authority aforesaid,* That the said directors, or a majority of them, shall be a quorum in all cases to do business, and shall have full power to make and ordain all such ordinances, rules and regulations as they shall think proper, convenient and necessary for the direction, government and support of the poor and house of employment aforesaid, and of the

1804.

revenues thereunto belonging, and of all such persons as shall come under their care or cognizance: *Provided*, The same be not repugnant to this law, or any other of the laws of this state, or of the United States: *And provided also*, That the same shall not have any force or effect until they shall have been submitted to the Court of Common Pleas for the county of York, and shall have received the approbation of the said court.

But not without the approbation of the Court of Common Pleas.

SECT. XI. *And be it further enacted by the authority aforesaid*, That the same directors, or any two of them, shall and are hereby enjoined to meet at the said house of employment, at least once in every month, and visit the apartments, and see that the poor are comfortably supported, and hear all complaints; and redress or cause to be redressed, all grievances which may happen by the neglect or misconduct of their servants or others, in their employ or otherwise.

The directors to visit the house monthly, &c.

SECT. XII. *And be it further enacted by the authority aforesaid*, That the said directors shall each of them receive, for their services, twenty dollars per annum, to defray the expense of their necessary attendance on the duties of their offices.

Compensation of the directors.

SECT. XIII. *And be it further enacted by the authority aforesaid*, That in case of any vacancy by death, resignation or otherwise of any of the said directors, the Court of Quarter Sessions of said county shall fill such vacancy, by appointment of one or more citizens of said county to serve until the next general election, when another director shall be elected, to serve for the period which such director was to have served if no such vacancy had happened: Any person refusing or neglecting to take upon himself the office of director, when appointed by the court aforesaid, shall be liable to the same penalty as is provided by the third section of this act.

How vacancies shall be supplied in the direction.

Penalty for refusing or neglecting to serve.

SECT. XIV. *And be it further enacted by the authority aforesaid*, That all monies which shall be remaining in the hands of the overseers of the poor of the borough and several townships of York county, at the time when the first county poor tax shall be assessed, levied and collected, shall be paid over by the said overseers to the supervisors of the highways of their respective townships, to be by them applied towards repairing of the roads therein.

How money in the hands of the overseers of the poor shall be applied.

SECT. XV. *And be it further enacted by the authority aforesaid*, That so soon as the poor of the county of York shall be removed to the house of employment for the said county, the office of overseer of the poor within the said county shall from thenceforth be abolished.

When the office of overseer of the poor in York county shall be abolished.

SECT. XVI. *And be it further enacted by the authority aforesaid*, That for the services enjoined on the clerk of the Court of Quarter Sessions and Court of Common Pleas of York county, by this act, he shall be entitled to exhibit his accounts to the county commissioners, who shall examine, and, if they allow the same to be just, shall draw on the county treasurer for the amount thereof as is usual in case of other accounts.

Compensation to clerks of the courts for services under this act.

SECT. XVII. *And be it further enacted by the authority aforesaid*, That the commissioners of the county of York are hereby authorized and empowered, to pay to the persons who are appointed by this act to fix the places where the buildings for the accommoda-

Compensation to the persons appointed to fix the site for the poor-house;

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and to the directors for their special attendance while the buildings are carrying on.

tion of the poor in said county shall be erected, such sum of money as will be sufficient to reimburse them for their expenses, and also to pay to each of the directors of the poor of York county, such sum of money as, together with the annual sum allowed to them by this act, will be, in the opinion of the commissioners, a reasonable compensation for each of their services during the time they are carrying on and erecting the building aforesaid.

Certain powers and duties heretofore conferred and imposed on the overseers of the poor transferred to the supervisors of the highways in York county.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That the powers conferred and duties imposed on the overseers of the poor, in and by an act to empower the overseers and guardians of the poor of the several townships within this commonwealth, to recover certain fines, penalties and forfeitures, and for other purposes, are hereby conferred and imposed on the supervisors of the highways in the said county of York, and that the Justices of the Peace and Sheriff within the said county are hereby required and enjoined, to pay to the said supervisors, to be by them applied to the repair of the highways, the aforesaid fines, penalties and forfeitures, within the time and in the manner prescribed by the said act for the payment thereof in other counties, to the overseers of the poor, and to give notice of the receipt thereof to the said supervisors, within the time and in the manner aforesaid, and that for any neglect or refusal to perform any of the duties enjoined on them by the said act, the said Justices of the Peace and Sheriff in the said county shall be subject to all the fines, penalties and forfeitures, to which the Justices of the Peace and Sheriffs in other counties are by the said act subject and liable.

Penalties on Sheriffs or Justices of the Peace not obeying the provisions of the act referred to in this section.

Repeal of laws hereby supplied.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That so much of the laws of this commonwealth relating to the poor of York county as is by this act altered or supplied, be, and the same is hereby repealed. (y)

Passed 6th February, 1804.—Recorded in Law Book No. IX. page 312.

(y) Arrearages of state taxes, due from the county of York, granted to the directors of the poor, by an act passed 1st April, 1805,—and see also a supplement to this act passed the same day, in this volume. (Note to former edition.)

CHAPTER MMCCCCXIV.

An ACT to regulate the fisheries in the river Delaware and its branches, and for other purposes.

WHEREAS experience hath fully shewn, that the existing laws for regulating the fisheries, and preserving the young fish in the river Delaware and its branches, are ineffectual: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That no sein, or net, shall be cast, or drawn, or in any wise made use of, by any person, or persons whosoever, in the river Delaware, or its branches, (so far as the same is, or shall be hereafter declared

Regulations with respect to drawing of seines or nets.

1804.

Penalty for acting contrary to said regulations.

Appropriation.

Penalty on casting or drawing seines or nets, in certain parts of the river Delaware, within given periods of the year.

Description of what shall be deemed and held a pool or fishing place.

Mode of obtaining license to fish.

a public highway, for the purpose of taking fish, from sun setting on Saturday evening, until sun rising on Monday morning next following; and that no more than one sein, or net, shall be drawn, or in any wise made use of, in any one pool or fishing-place, by any person, or persons whosoever, in the aforesaid river, or its branches, from the station point or north-west corner of the state of New-Jersey, to the southern point of Newbold's island; nor more than two seines, or nets, from the said Newbold's island to the circular boundary of the state of Delaware, within any one term of twenty-four hours, to begin at sun rising and to continue until sun rising the next day following; and if any person, or persons whosoever, shall cast, draw, or make use of any sein, or net, in the said river, or its branches, or shall be aiding, or assisting therein, within the term, or terms aforesaid contrary to the true intent and meaning of this act; every person, or persons so offending, and being thereof legally convicted, before any Justice of the Peace, of the county where the offence is committed, shall forfeit and pay the sum of fifty dollars, for each and every such offence, together with the costs of prosecution, to be paid to, and applied by the supervisor, or supervisors of the roads, in the township where the offence has been committed, for repairing the public roads in the same.

SECT. II. *And be it further enacted by the authority aforesaid,* That if any person or persons shall cast, draw, or make use of any sein, or net, for the purpose of catching shad, in the river Delaware, within the limits of this state, below the falls of Trenton, after the twenty-fifth day of May, or between the said falls, and opposite the mouth of the river Lehigh, after the first day of June, or in any other part of the said river Delaware, or its branches, between the mouth of the river Lehigh, and the station point, or north-west corner of the state of New-Jersey, after the fifth day of June, in each and every year; every person or persons, so offending and being thereof legally convicted, before any Justice of the Peace, in and for the county where he, or they may be apprehended, shall forfeit and pay the sum of fifty dollars, for each and every such offence, to be applied to the use aforesaid, and likewise to pay the costs of prosecution.

SECT. III. And in order to ascertain what shall be deemed and held to be a pool or fishing place, within the meaning of this act, *Be it enacted by the authority aforesaid,* That from the place, or places, where seines, or nets, have been usually thrown into the water, to the place or places, where they have been usually taken out or from the place or places where they may be hereafter thrown into the water, to the place or places where they may be taken out, shall be deemed and held, and is hereby declared to be a pool or fishing place, within the meaning of this act.

SECT. IV. *And be it further enacted by the authority aforesaid,* That wherever any fishery is occupied upon the river Delaware, within the limits aforesaid, either the landholder, tenant in possession, or some respectable person, appointed by the fishing company, shall apply to the prothonotary of the respective county, where such fishery may be, and give a bond, with one or more sufficient sureties, in the sum of three hundred dollars, conditioning to be

1804. accountable to the supervisors of the roads, of the respective township, where such fishery may be, for all fines and penalties, that may occur on account of any transgressions of this act, that may, or shall be committed, at his, or their respective fishery, and shall moreover give unto the said prothonotary, a description in writing of their pool, or fishing-place, together with the name of the township, or place, in which it is situated; which the said prothonotary shall file, together with the bond, in his office, and give them a certificate, with a receipt for the same, on their paying him the sum of seventy-five cents; and if any person or persons, shall undertake, and fish contrary to the true intent and meaning of this act, without having previously entered security as aforesaid, or without the permission of the person that has entered security, he or they, shall forfeit and pay the sum of one hundred dollars, for each and every such offence, together with costs, to be levied and recovered as other sums to the same amount are recoverable by the laws of this state, to be paid, and applied for the use as aforesaid.

Penalty on persons undertaking to fish, contrary to the provisions of this section.

Additional penalty.

SECT. V. *And be it further enacted by the authority aforesaid,* That if any person, or persons, shall be found making use of any sein, or net, contrary to the true intent and meaning of this act, every such person, or persons, so offending, shall in addition to the penalty aforesaid, forfeit the sein or net, so made use of, which sein or net, shall by order of the Justice of the peace, or Justices of the Courts of Quarter Sessions, before whom such person or persons, shall be convicted, be exposed to public sale, after giving five days previous notice thereof by advertisement; and the money arising therefrom, shall be paid and applied in the manner, and for the use aforesaid, the costs of such prosecution and sale being first deducted.

Penalty on any person setting up or maintaining, in said river, weirs, racks, baskets, fishing-dams, &c.

SECT. VI. And whereas the existing laws, for preventing the erection of fish-dams, baskets, &c. have been found ineffectual: Therefore, *Be it enacted by the authority aforesaid,* That if any person or persons whosoever, shall erect, build, set up, repair or maintain, or shall be aiding, assisting or abetting, in erecting, building, setting up, repairing or maintaining any weir, rack, basket, fishing-dam or pound, or shall make use of any swab, or bushnet, or shall fix, fasten or set, any gilling sein, anchor any engine, or make use of any device whatsoever, except fishing with sweeping-seins, hooks and lines, darts, hoop-nets and eel-boxes, for taking of fish in the river Delaware, or its branches, which are, or may be hereafter declared public highways; every person, or persons so offending, contrary to the true intent and meaning of this act, and being legally convicted thereof, by the oath or affirmation of one or more creditable witness, or by his, or their own confession before the Justices of the Court of Quarter Sessions, of the proper county, where such offender may be apprehended, shall forfeit and pay the sum of one hundred and forty dollars, together with costs of suit, to be applied as aforesaid.

Appropriation.

Penalty for obstructing

SECT. VII. And whereas, various wing-dams, and other obstructions, have been erected and set up, prejudicial to the navigation of said river: For remedy whereof, *Be it enacted by the authority aforesaid,* That if any person or persons whosoever, shall erect,

build, set up, repair, or maintain, or shall be aiding, or assisting in erecting, building, setting up, repairing or maintaining any wing-dam, or placing any other obstruction, injurious to the navigation of said river, or its branches as aforesaid, except such mill-dams as have been heretofore erected, in pursuance of any special act of the Legislature; and being thereof legally convicted, before the Court of Quarter Sessions, of the county where the offence has been committed, shall forfeit and pay the sum of one hundred dollars to be paid to, and applied for the use as aforesaid.

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the navigation of the river.

SECT. VIII. And for the more effectual detecting and punishing offenders against this act: *Be it enacted by the authority aforesaid,* That the constable of each respective township, borough or district, which shall be bounded by, or adjoining to any part of the river Delaware, or its branches, as aforesaid, shall, and he is hereby strictly enjoined, and required diligently to enquire, and carefully to inspect, and view once every week from the first day of April, until the tenth day of June, in every year, such parts of the said river, or its branches, as shall be adjoining his respective township, borough or district; and having any knowledge, of any offences against this act, he shall forthwith give information thereof, to some Justice of the peace, who shall immediately issue forth his warrant, directing the constable to bring forthwith before him, such transgressor, or transgressors, and have them dealt with according to law; and if any of the aforesaid constables, shall neglect or refuse to perform the duties enjoined on him, or them by this act, he, or they so offending, and being thereof legally convicted, before any Justice of the peace, or before the Justices of the Court of Quarter Sessions, of the proper county, where such delinquent may reside, shall forfeit and pay the sum of twenty-five dollars, to be levied, and recovered as other sums, to the same amount, are recoverable by the laws of this state, to be paid to, and applied for the use as aforesaid. And each of the constables, while performing the duties enjoined on them by this act, shall be allowed at the rate of one dollar per day, to be paid by the supervisor of their respective township, borough or district; each constable having an exact account of the number of days, he, or they have been employed, under the directions of this act, regularly attested before one of the Justices of the peace, of their respective township.

Duties enjoined on constables of the townships, bounded by the river.

Penalty for not performing said duties.

Their compensation.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the supervisors of the public highways of each township, borough or district, which shall be bounded by, or adjoining to any part of the said river, or its branches as aforesaid, shall every year, before they settle their accounts, enquire of the Justices of the peace of their respective townships, to know whether they have any money in their hands, arising from such forfeitures as aforesaid; which money, if any there should be, they are hereby authorized to receive, with giving the magistrate a receipt, and their respective township credit for the same; and if either of the supervisors, from his, or their own knowledge, or the information of any other person, shall have any knowledge of any transgressions against this act, which either of the aforesaid constables have either neglected or refused to prosecute, agreeably to the directions of this act, he,

Duties of the supervisors of the highways of the townships adjoining said river.

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or they, are hereby strictly enjoined, and required, under the penalty of twenty-five dollars, immediately to give information, to one of the Justices of the peace, of their respective township, borough or district, which said Justice is hereby enjoined, and required, forthwith to proceed against any such delinquent, agreeably to the directions of this act.

Further duties of the constables.

SECT. X. *And be it further enacted by the authority aforesaid,* That the constables of each respective township, borough or district, which shall be bounded by, or adjoining to the said river Delaware, or its branches, from the tide-water up to the station point, or north-west corner of the state of New-Jersey, which have been, or may hereafter be declared a public highway, shall be, and they are hereby enjoined, and required under the penalty of fifty dollars, to view once, at least, in every fourteen days, from the first day of August, to the first day of December, in every year, such parts of the said river, and its branches, as shall be adjoining his, or their respective township, borough or district, or bounding on the same; and if on any such view, he, or they shall find any fish-dam, basket, pound or such like device for taking fish, within the said river, or its branches, he shall, thereupon give notice to the next Justice of the peace, of the township, or county so adjoining, which Justice is hereby enjoined and required, to issue forth his

Of the supervisors.

warrant to the supervisors of the highways of each, and every township, next adjacent to the fish-dam, basket, pound or other device as aforesaid, so erected, or in which they, or any of them, shall be erected, enjoining and requiring the said supervisors, respectively forthwith, to remove, or cause to be removed, every such fish-dam, basket, pound or other device aforesaid, and for that purpose to summon so many of the inhabitants of the respective townships as may be necessary, to throw down, remove and destroy, such fish-dam, basket, pound or other device aforesaid, giving them three days previous notice; and the said supervisors shall make return of their proceedings, to the next court of Quarter Sessions, of the county, in which the said fish-dam, basket, pound or other device, shall have been so destroyed; and if any such supervisor, or supervisors of the highways, to whom such warrant shall be directed, shall refuse, or neglect to discharge, and perform the duty hereby enjoined, and required of him, or them, he, or they, so offending, and being thereof legally convicted, by a jury of the county, or by his, or their own confession, before the said Court of Quarter Sessions, shall for every such offence, forfeit and pay to the overseers of the poor, of the township, borough or district, where such offender, or offenders shall reside, the sum of one hundred dollars, for the use of the poor of said township, borough or district; and if any inhabitant so summoned, shall refuse, or neglect to attend in person, or to send another able person in his room, to assist in throwing down, removing and destroying such fish-dam, basket, pound or other device aforesaid, so erected, built or set up, in such manner as the said supervisor, or supervisors shall order and direct, he shall forfeit and pay the sum of four dollars, for every such offence, to the overseers of the poor, of the township, borough or district, whose inhabitants are so summoned, for the use of the poor, of the same, to be

And penalty for not performing the same.

recovered and levied as debts of like amount are by law recoverable: *Provided always*, That any person, or persons who shall be convicted under this act, before any Justice of the Peace, he, or they shall have a right to appeal to the Court of Quarter Sessions, within ten days after such conviction, and be entitled to a trial by jury.

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Appeal allowed to the Quarter Sessions.

SECT. XI. *And be it further enacted by the authority aforesaid*, That all, and every of the offences, which shall hereafter be committed against the true intent and meaning of this act, within the said river, or its branches as aforesaid, the Justices of the Court of Quarter Sessions, of the county, which shall so adjoin the part of the said river, or its branches, where the offence is committed, are hereby authorized, empowered and required, to hear, try and determine the same, by a jury of the county, in the same manner as other criminal offences committed within their respective counties, are usually heard, tried and determined before them; and the constables of each respective township, borough or district, which shall so adjoin the said river Delaware, or its branches, as aforesaid, shall to the best of their knowledge, present on oath or affirmation, every such offence to the Justices of the Court of Quarter Sessions, of their respective counties, together with the name, or names of such offender, or offenders, that he, or they may be tried according to the directions of this act, which oath or affirmation, the said Justices are hereby required, duly, and carefully to administer.

Mode of trying offences committed against the true intent and meaning of this act.

SECT. XII. And whereas the river Delaware, is the division line between this commonwealth and the state of New-Jersey, and without a mutual co-operation of both states, the evils complained of, can never be effectually removed: Therefore, *Be it enacted by the authority aforesaid*, That so soon as the Legislature of the state of New-Jersey, shall have enacted a law containing provisions similar to those herein before enacted, that then this act shall, and is hereby declared, to be in full force and effect.

When this law shall go into operation.

SECT. XIII. *And be it further enacted by the authority aforesaid*, That all laws, and parts of laws, heretofore passed, upon the same subject, so far as they relate to the river Delaware, or its branches, excepting the river Schuylkill, which is hereby exempted from the restrictions, and regulations of this act, which are altered or supplied by the provisions contained in this act, be, and the same are hereby repealed, so soon as this act shall go into operation. (2)

Repeal of former laws on the same subject, which are hereby altered, &c.

Passed 8th February, 1804.—Recorded in Law Book No. IX. page 320.

(2) See a supplement to this act, in this volume, passed 23d February, 1809, concurring with an act passed by the state of New-Jersey, which is annexed thereto, by which this act, so far as it

is not altered by the supplement, and act of New-Jersey, is declared to be in force.—See also an act passed 19th March, 1810, to regulate the fisheries in Delaware.

CHAPTER MMCCCCXVI.

An ACT for the relief of Alexander Patterson. (a)

Passed 10th February, 1804.—Recorded in Law Book No. IX. page 328.

(a) Four hundred dollars granted to Alexander Patterson, and also an annuity of one hundred dollars, to be

paid half yearly during life, for services rendered. (Note to former edition.)

1804.

CHAPTER MMCCCXVII.

An ACT to enable the Governor of this commonwealth to incorporate a company for making an artificial road from Erie to Waterford.

SECT. 1. [COMMISSIONERS appointed, to open books and receive subscriptions for the Erie and Waterford turnpike road. Form of subscription. Notice of the time and places of subscription; who may subscribe, &c. How long the books shall be kept open. Commissioners may adjourn, &c. Subscribers to pay six dollars for every share, &c. 2. When a certain number of shares, or the whole are subscribed, commissioners to certify, &c. to the Governor: who shall thereupon incorporate them by the name of "The President, Managers and Company of the Erie and Waterford Turnpike road," with the usual corporate privileges. 3. Subscribers to meet for the purpose of organizing the corporation. Officers to be chosen. Number of votes limited. 4. The annual meetings of the company to be on the first Monday in March, &c. and powers of the company at such meetings. 5. Certificates of shares to be issued on part payment, which shall be transferrable, &c. 6. Meetings of the president and managers, and proceedings at such meetings, &c. five members to form a quorum, &c. 7. Regulations in case of neglect to pay the subscription money. 8. The president and managers, &c. may enter lands, &c. through which the road may pass to examine the ground, &c. and survey, &c. the route or tracks of said road, &c. 9. The president and managers, &c. may enter lands, &c. to take materials, and modes of estimating the compensation to owners prescribed. 10. Of compensating the owners of lands on which the road, &c. may be founded by viewers appointed by the court. 11. The president and managers shall cause a road to be laid out, made, and kept in repair. 12. When turnpikes are to be erected, and tolls to be allowed; and proceedings previous thereto. 13. The company to appoint toll-gatherers, &c. and amount of tolls prescribed. Proviso that no gate shall be erected within one mile of Erie or Waterford; and persons passing or repassing from one part of his or her farm to another, or to or from church, or funerals, exempted from toll. 14. Regulation of the wheels of carriages, and the weight to be carried at different seasons prescribed, and power of the company to alter these regulations, but not so as to lessen the burdens of carriages. 15. Comparative toll for oxen, mules and horses.]

Proceedings
in case the
company neglect
to keep
the road in
good order
and repair.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good and perfect order and repair, for the space of five days, and information thereof shall be given to any Justice of the Peace of the neighbourhood, such Justice shall issue a precept, to be directed to any constable, commanding him to summon three disinterested freeholders to meet at a certain time, in the said precept to be mentioned, at the place in the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said Justice shall, at such time and place, by the oaths or affirmations of the said freeholders, en-

quire whether the said road, or any part thereof, is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made under the hands of himself and a majority of the said freeholders, and if the said road shall be found by the said inquisition to be out of order and repair contrary to the true intent and meaning of this act, the said Justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from henceforth the tolls hereby granted, to be collected at such turnpikes and gates, for passing the interval of road between them, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid; and if the same shall not be so put into good and perfect order and repair, before the next General Court of Quarter Sessions of the Peace to be held for the county wherein the said defective part or parts of the said road shall be, the aforesaid Justice shall certify, and send a copy of the inquisition aforesaid, to the Justices of the said court; and the said Justices shall thereupon cause process to issue, and bring in the body or bodies of the person or persons, entrusted by the company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed upon such inquisition, in the same manner and form as upon indictments found by the grand inquest for the body of the county against supervisors of the highways, for neglect of their duty; and if the person or persons, entrusted by the said company as aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall give such judgment according to the nature and aggravation of the neglect, as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties; and the fines and penalties so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed; to be applied to repairing such highways as the township or county is bound to maintain and repair at the public expense thereof.

Appropriation of the penalties.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That if any toll-gatherer on the said road shall demand and receive from any person or persons using the same any greater or higher toll than by this act is authorized, or shall receive toll for any part of said road which may be declared to be out of order and repair until it shall be repaired, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, to the use of the poor of the proper township, to be recovered as debts of equal amount are or may be by law recoverable.

Penalty if toll-gatherers extort more than the act allows; or receive toll before the road is repaired.

Appropriation.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That if any person or persons whomsoever, owning, riding in, or driving any sulkey, chair, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, or owning, riding, leading or driving any horse, mare, gelding, or driving any hogs, sheep or other cattle, shall therewith pass through any private gate or bars, or along or over any private passage, way, or other ground near to,

Penalty on persons attempting to evade the payment of the tolls.

1804. or adjoining any turnpike or gate, erected, or which shall be erected in pursuance of this act, with an intent to defraud the company and evade the payment of the toll or duty for passing through any such gate or turnpike; or if any person or persons, with such intent, take off, or cause to be taken off, any horse, mare, gelding or other cattle, from any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, or practise any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person and persons, in all or any of the ways or manners aforesaid offending, shall, for every such offence respectively, forfeit and pay to the president, managers and company of the Erie and Waterford turnpike road, any sum not exceeding thirty dollars, to be sued for and recovered with costs of suit before any Justice of the Peace, in like manner, and subject to the same rules and regulations as debts of equal amount are or may be by law recoverable.

SECT. 19. [The president and managers to keep the company accounts of subscription, &c. and submit the same to a general meeting of the stockholders, &c. and if the capital is found insufficient to complete the road, it may be enlarged. 20. The president and managers to keep an account of the monies received, and declare dividends on the profits. 21. Accounts to be laid before the legislature, in order to ascertain the clear income, and if the tolls exceed nine per cent. per annum, they may be reduced. 22. Posts of direction to be erected, &c.]

Mile-stones
to be placed
on the side of
the road.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That the said company shall cause mile-stones to be placed on the side of the said road, beginning at the distance of one mile from the town of Erie aforesaid, and extending thence to the termination of the turnpike aforesaid, whereon shall be marked in plain legible characters the respective number of miles which each stone is distant from the said town of Erie, and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from the town of Erie aforesaid, and the distance from the nearest gates or turnpikes in each direction to be marked in legible characters, designating the number of miles and fractions of a mile on the said gates, or some other conspicuous place, for the information of travellers and others using the said road; and if any person shall wilfully destroy the said posts, boards, index-hands or mile-stones, or deface the same, or deface the directions made on the said gates, or other conspicuous places as aforesaid, such person being convicted thereof by the evidence of one or more credible witness or witnesses, before any disinterested Justice of the Peace of the county where any of the said posts, boards, index-hands, mile-stones, and directions on the said gates or other conspicuous places shall be destroyed or defaced, he shall be adjudged by the said Justice to pay a fine not exceeding twenty dollars, to be recovered with costs as debts of equal amount are or may be by law recoverable; which fine, when recovered, shall be paid by the said Justice to the treasurer of the said company for the use of the company.

Penalty for
defacing in-
dex-posts,
mile-stones,
&c.

Appropriation.

Drivers to
keep the
right hand

SECT. XXIV. *And be it further enacted by the authority aforesaid,* That all waggoners and drivers of carriages of all kinds, whether of

burden or pleasure, using the said road shall, except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of said road in the passing direction, leaving the other side of said road free and clear for other carriages to pass and repass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars to any person who shall be obstructed in his passage, and will sue for the same, to be recovered with costs before any Justice, in the same manner as debts of equal amount are or may be by law recoverable.

1804.

side in the
passing di-
rection.

Penalty for
non-compli-
ance.

SECT. 25. [Limitation of time for commencing and finishing the road. 26. The right reserved to the state of purchasing the road, and extinguishing the tolls.] (b)

Passed 13th February, 1804.—Recorded in Law Book No. IX. page 329.

(b) One hundred shares of this stock subscribed for by the state, by act of 31st March, 1806, (chap. 2714.)

CHAPTER MMCCCCXVIII.

An ACT declaring Clearfield creek, in the county of Huntingdon, and Sinemahoning creek, in the county of Lycoming, public highways.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, Clearfield creek, in the county of Huntingdon, from the mouth to the forks thereof, at the great Elk Lick, and Sinemahoning creek, in the county of Lycoming, from the mouth to the forks thereof, at the place called the Driftwood, be and the same are hereby declared public streams and highways, for the passage of boats, rafts and other vessels; and it shall be lawful for the inhabitants or others desirous of using the navigation of said streams, to remove all natural obstructions therefrom, subject nevertheless to the provisions of the act, entitled, "An act to authorize any person or persons owning lands adjoining navigable streams of water declared public highways, to erect dams upon such streams, for mills and other water-works;" passed the twenty-third day of March one thousand eight hundred and three.

Certain parts
of Clearfield
and Sinema-
honing
creeks de-
clared to be
public high-
ways.

Proviso in
favour of
persons hold-
ing lands on
said creeks.

Passed 13th February, 1804.—Recorded in Law Book No. IX. page 346.

CHAPTER MMCCCCXIX.

An ACT to provide for the erection of a house for the employment and support of the poor in the county of Delaware.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* a house for the employment and support of the poor shall be erect-

Poor-house
to be erected
in Delaware
county.

1804. ed in the county of Delaware, in the manner and under the conditions hereinafter prescribed and enacted.

Persons to fix the place for erecting the poor-house to be elected.

Their duty.

Directors of the poor to be elected.

Certificate of their election.

Meeting of the directors and rotation of service.

Qualification of directors and penalty for neglect or refusal to serve.

Directors incorporated.

Style of the corporation.

SECT. II. *And be it further enacted by the authority aforesaid,* That the electors of the said county of Delaware shall, at the general election next ensuing the passing of this act, in the manner prescribed for the election of members of the House of Representatives of this commonwealth, elect seven reputable citizens of the said county, whose duty it shall be, on or before the first day of May next after their election, to determine upon and fix the place on which the said buildings shall be erected, and shall certify their proceedings therein, under their hands and seals, to the clerk of the Court of Quarter Sessions of the county of Delaware, to be filed in his office; and the said electors shall also elect three reputable citizens of the said county, in like manner, to be directors of the poor, and of the house of employment for the county of Delaware, for the ensuing year; and the judges of election of the said county shall immediately on receiving the returns from the several election districts, and casting up the number of votes therein, or within three days thereafter, certify under their hands and seals the names of the persons so elected, to fix on a proper site for the said building, and the names of the directors so chosen to the clerk of the Court of Quarter Sessions of the said county, who shall file the said certificate in his office, and forthwith give notice in writing to the said persons, and directors, of their being elected; and the said directors shall meet at the court-house in the said county, on the first Monday in November next ensuing their election, and divide themselves by lot into three classes, the place of the first to be vacated at the expiration of the first year, of the second at the expiration of the second year, and of the third at the expiration of the third year; so that those who shall be chosen after the first election, and in the mode above prescribed, may serve for three years; and one third be chosen annually.

SECT. III. *And be it further enacted by the authority aforesaid,* That every director elected in manner aforesaid, or appointed as is directed by the twelfth section of this act, shall within ten days after he is notified of such election or appointment, and before he enters on the duties of the said office, take an oath or affirmation, which any Justice of the peace of the said county is hereby authorized to administer, that he will discharge the office of director of the poor for the said county, truly, faithfully and impartially, to the best of his knowledge and ability; and in case of neglect or refusal to take the said oath or affirmation within the time aforesaid, he shall forfeit and pay the sum of ten dollars, for the use of the poor of the said county; which fine shall be recovered by the directors, for the time being, as debts of equal amount are or shall be by law recoverable.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said directors shall for ever hereafter, in name and in fact, be one body politic and corporate in law, to all intents and purposes whatsoever relating to the poor of the said county of Delaware, and shall have perpetual succession, and may sue and be sued, plead and be impleaded, by the name, style and title of "The Directors

of the Poor and of the House of Employment for the county of Delaware," and by that name shall and may receive, take and hold any lands, tenements and hereditaments, not exceeding the yearly value of five thousand dollars ; and any goods and chattels whatsoever, of the gift, alienation or bequest of any person or persons whatsoever, to purchase, take and hold any lands and tenements within their county, in fee simple or otherwise, and erect suitable buildings thereon, for the reception, use and accommodation of the poor of their respective townships, to provide all things necessary for the reception, lodging, maintenance and employment of the said poor, to appoint a treasurer annually, who shall give bond with sufficient surety, for the faithful discharge of the duties of his office ; and that at the expiration thereof he will, well and truly pay and deliver over to his successor, all monies, bonds, notes, books, accounts, and other papers, to the said corporation belonging, which shall then be remaining in his hands, custody and possession, to employ, and at pleasure remove a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other necessary attendants for the said poor respectively, to bind out as apprentices, so that such apprenticeship may expire, if males at or before the age of twenty-one years, if females at or before the age of eighteen years, such poor children as shall come under their notice, or as may now be bound apprentices by the overseers of the poor, and to exercise and enjoy all such other powers now vested in the overseers of the poor, as are not herein granted or supplied ; and the said directors shall be empowered to use one common seal in all business relating to the said corporation, and the same at their pleasure to alter or renew.

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His immunities, powers and duties.

Treasurer of the corporation, his qualification and duty.

Seal of the corporation.

SECT. V. *And be it further enacted by the authority aforesaid,* That the said directors, as soon as may be after their election and organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands, erecting the necessary buildings, and furnishing the same, and maintaining the poor within the said county for one year, whereupon the county commissioners of the said county shall, and they are hereby authorized and required, to increase the county tax by one-fourth part of the sum necessary for the purposes aforesaid, and shall procure on loan on the credit of the taxes herein directed to be levied, the remaining three fourths thereof to be repaid in instalments with interest out of the county taxes: *Provided always,* That if such loan cannot be made, the whole amount of the sum necessary for the purposes aforesaid, or such part thereof as may be deemed proper, shall immediately be added to the county tax, to be paid by the county treasurer to the directors aforesaid, on orders drawn in their favour by the county commissioners, as the same may be found necessary.

Estimate to be made of the expense of erecting the buildings, &c.

Tax to be raised for detraying the same.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the said directors shall at least once in every year, render an account of all the monies by them received and expended, to the auditors appointed to audit and settle the county accounts, subject to the same penalties, rules and regulations as are by law directed respecting the accounts of the county commissioners ; and shall also at least once in every year lay before the Court of Quarter Sessions

Time and manner for rendering the accounts of the directors.

Return of persons in the poor-

1804. and Grand Jury of the said county, a list of the number, ages and sexes of the persons maintained and employed in the said house of employment, or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeships as aforesaid, with the names of the masters or mistresses, and their trade, occupation or calling; and shall at all times when thereunto required, submit to the inspection and free examination of such visitors as shall from time to time be appointed by the Court of Quarter Sessions of the said county, all their books and accounts, together with the rents, interests and monies payable and receivable by the said corporation, and also an account of all sales, purchases, donations, devises and bequests, as shall have been made by or to them.

When and how the poor shall be removed to the building erected in pursuance of this act.

Exception as to the sick, and how they shall be provided for.

The directors required to provide for and employ the poor.

Directors may permit poor persons to be maintained elsewhere.

Power of the directors to make rules and regulations.

SECT. VII. *And be it further enacted by the authority aforesaid,* That as soon as the said buildings shall be erected, and all necessary accommodations provided therein, notices shall be sent, signed by any two of the directors, to the overseers of the poor of the several townships of the said county of Delaware, requiring them forthwith to bring the poor of their respective townships to the said house of employment, which order the said overseers are hereby enjoined and required to comply with, or otherwise to forfeit the cost of all future maintenance, except in cases when by sickness or other sufficient cause, any poor person cannot be removed, in which case the said overseers shall represent the same to the nearest Justice of the Peace, who, being satisfied of the truth thereof, shall certify the same to the said directors, and at the same time issue an order under his hand and seal to the said overseers, directing them to maintain such poor, until such time as he or she shall be in a situation to be removed, and then to convey the said pauper, and deliver him or her to the steward or keeper of the said house of employment, together with the said order; and the charge and expense of such temporary relief, and of such removal, shall be paid by the said directors at a reasonable allowance.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the said directors shall, from time to time, receive, provide for and employ, according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in the said county of Delaware, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two Justices of the Peace, directed to any constable of the said county of Delaware, or to the overseers of the proper township in any other county of this commonwealth, and to the said directors of the poor and of the house of employment of the said county of Delaware; and the said directors are hereby authorized, when they shall deem it proper and convenient so to do, to permit any poor person or persons to be maintained elsewhere.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the said directors, or any two of them, who shall be a quorum in all cases to do business, shall have full power to make and ordain all such ordinances, rules and regulations, as they shall think proper, convenient and necessary, for the direction, government and support of the poor and house of employment aforesaid, and of

the revenues thereunto belonging, and of all such persons as shall come under their care or cognizance: *Provided*, The same be not repugnant to this law, or any other of the laws of this state or of the United States: *And provided also*, That the same shall not have any force or effect until they shall have been submitted to the Court of Common Pleas for the time being of the said county of Delaware, and shall have received the approbation of the said court. 1804.

But not without the approbation of the Court of Common Pleas.

SECT. X. *And be it further enacted by the authority aforesaid*, That a quorum of the said directors shall, and they are hereby enjoined and required to meet at the said house of employment at least once in every month, and visit the apartments, and see that the poor are comfortably supported, and hear all complaints, and redress or cause to be redressed, all grievances which may happen by the neglect or misconduct of any person or persons in their employment or otherwise. Directors to visit the house of employment monthly, &c.

SECT. XI. *And be it further enacted by the authority aforesaid*, That the said directors shall, each of them, receive for their services twenty dollars per annum, to defray the expenses of their necessary attendance on the duties of their offices. Compensation of directors.

SECT. XII. *And be it further enacted by the authority aforesaid*, That in case of any vacancy by death, resignation, removal, neglect, refusal or otherwise, of any of the said directors, the remaining directors shall fill such vacancy by appointment of a citizen of their said county, under the same penalty as is provided for in the third section of this act, to serve until the next general election, when another director shall be elected to serve for the period which such director was to have served if no such vacancy had happened. How vacancies in the direction shall be supplied. Penalty for neglect or refusing to serve.

SECT. XIII. *And be it further enacted by the authority aforesaid*, That all the monies which shall be remaining in the hands of the overseers of the poor of the several townships of Delaware county, at the time when the first county poor tax shall be assessed, levied and collected, shall be paid over by the said overseers to the supervisors of the highways of their respective townships, to be by them applied towards the repairing of the roads therein. How monies in the hands of the overseers of the poor shall be applied.

SECT. XIV. *And be it further enacted by the authority aforesaid*, That as soon as the poor of the county of Delaware shall be removed to the house of employment of the said county, the office of overseer of the poor within the said county shall from thenceforth be abolished. When the office of overseer of the poor in Delaware county shall be abolished.

SECT. XV. *And be it further enacted by the authority aforesaid*, That so much of the laws of this commonwealth relating to the poor of the county of Delaware, as is by this act altered or supplied, be and the same is hereby repealed. Repeal of laws hereby altered or supplied.

SECT. XVI. *And be it further enacted by the authority aforesaid*, That the powers conferred and duties imposed on the overseers of the poor in and by an act to empower the overseers and guardians of the poor of the several townships within this commonwealth to recover certain fines, penalties and forfeitures, and for other purposes, are hereby conferred and imposed on the supervisors of the highways in the said county of Delaware; and that the Justices of Certain powers and duties heretofore conferred and imposed on the overseers of the poor transferred to the supervisors of the highways in

1804. the Peace and Sheriff within the said county, are hereby required and enjoined to pay to the said supervisors, to be by them applied to the repair of the highways, the aforesaid fines, penalties and forfeitures within the time, and in the manner prescribed by the said act for the payment thereof in other counties, to the overseers of the poor, and to give notice of the receipt thereof to the said supervisors, within the time and in the manner aforesaid; and that for any neglect or refusal to perform any of the duties enjoined on them by the said act, the said Justices of the Peace and Sheriff in the said county, shall be subject to all the fines, penalties and forfeitures to which the Justices of the Peace and Sheriffs in other counties are by the said act subject and liable.

Delaware county.

Penalties on Sheriffs or Justices of the Peace not obeying the provisions of the act referred to in this section.

Compensation to the persons appointed to fix the place for erecting the buildings; and to the directors for their extra services while the buildings are progressing.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That the commissioners of the said county are hereby authorized and empowered to pay to the persons who are appointed by this act to fix the place where the buildings for the accommodation of the poor in said county shall be erected, such sums of money as will be sufficient to reimburse them for their expenses, and also to pay to each of the said directors such sum of money as (together with the annual sum allowed them by this act) may be in the opinion of the commissioners a reasonable compensation for their services during the time they are employed in erecting the buildings aforesaid.

Passed 13th February, 1804.—Recorded in Law Book No. IX. page 347.

CHAPTER MMCCCXXI.

[Vol. 3, page 75.] *A SUPPLEMENT to an act for establishing a nightly watch, providing lamps, and supporting pumps for public use in the borough of Lancaster, in the county of Lancaster, passed the fourth day of April, one thousand seven hundred and ninety-two.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act it shall be the duty of the assessors and wardens of the borough of Lancaster, in laying taxes under the authority of the act to which this is a supplement, to lay and apportion the same according to the best of their skill and judgment, as near to and in proportion with the last county rates and levies as may be; and so much of the third section of the act, to which this is a supplement, as requires the taking of an assessment for the purpose of laying such tax, be, and the same is hereby repealed.

How taxes within the borough of Lancaster are to be apportioned.

Part of a former law repealed.

Passed 20th February, 1804.—Recorded in Law Book No. IX. page 356.

CHAPTER MMCCCCXXII.

1804.

A SUPPLEMENT to an act, entitled "*An act to empower the overseers and guardians of the poor of the several townships of the commonwealth to recover certain fines, penalties and forfeitures, and for other purposes,*" passed the fourth day of April, one thousand eight hundred and three. [Ante. page 97.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* all fines, penalties and forfeitures, paid into the hands of the overseers of the poor by virtue of the act to which this is a supplement, where there is no poor supported at the expense of the township, or where a surplus remains in the hands of the overseers of the poor, after paying the expenses that may arise in the execution of their office, then, in either case, it shall be the duty of the overseers of the poor, and they are hereby required, under the same penalty as provided in other cases, to pay over such sums as remain unexpended in their hands at the settlement of their accounts, to the supervisors of the highways, to be applied to the repair of the public roads in the respective townships, unless the township auditors shall judge it necessary that the whole or part thereof be retained as a fund for the use of the poor.

Fines, &c. paid into the hands of the overseers of the poor, in what instances to be paid to the overseers of the highways.

Passed 20th February, 1804.—Recorded in Law Book No. IX. page 356.

CHAPTER MMCCCCXXIII.

An ACT altering the place of holding the elections in Southampton township, in Somerset county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the electors of Southampton township, in Somerset county, shall hold their elections at the house now occupied by Michael Korn, in the township of Southampton aforesaid, any law to the contrary notwithstanding.

Place of holding elections in Southampton township, county of Somerset.

Passed 20th February, 1804.—Recorded in Law Book No. IX. page 357.

CHAPTER MMCCCCXXIV.

An ACT for the relief of John Gilchrist. (c)

Passed 20th February, 1804.—Recorded in Law Book No. IX. page 358.

(c) John Gilchrist, disabled by a wound received in the revolutionary war, unable to maintain himself by labour. Sixty dollars annuity granted to him during life, payable half yearly. (Note to former edition.)

1804.

CHAPTER MMCCCXXVII.

An ACT declaring Mushanon creek (a boundary line between Centre and Huntingdon counties) a public highway.

Mushanon
creek made a
public high-
way.

Proviso in
favour of
persons own-
ing and pos-
sessing lands
in said creek.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Mushanon creek (a boundary line between the counties of Centre and Huntingdon) from the mouth thereof to the forks of the same, about five miles above the town of Philipsburgh, is hereby declared a public highway for the passing of rafts, boats and other vessels; and it shall and may be lawful for the inhabitants and others desirous of using the navigation of said creek, to remove all natural obstructions in the same: Provided, That any person or persons, owning or possessing lands on said creek, shall have the liberty to erect any dam or dams across the same, agreeably and subject to all the restrictions and provisions of an act of the General Assembly of this commonwealth, passed the twenty-third day of March one thousand eight hundred and three, entitled, "An Act to authorize any person or persons owning lands adjoining navigable streams of water declared public highways, to erect dams upon such streams, for mills and other water-works."*

Passed 5th March, 1804.—Recorded in Law Book No. IX. page 361.

CHAPTER MMCCCXXVIII.

An ACT to enable the Governor of this commonwealth to incorporate a Company for making an artificial Road from Lancaster, through Elizabeth town to Middle town.

SECT. 1. [COMMISSIONERS appointed, to open books and receive subscriptions to the Lancaster, Elizabeth town and Middle town turnpike road. Form of subscription, and notice of the times and places of subscription to be published. For what time the books are to be kept open. Who may subscribe, and for what number of shares. Of the adjournment of the commissioners, and notice of such adjournment. Subscribers to pay a deposit of ten dollars for every share, subscribed. 2. When a certain number of shares, are subscribed, commissioners to certify, &c. to the Governor, who may thereupon incorporate them, by the name of "The President, Managers and Company of the Lancaster, Elizabeth town and Middletown Turnpike Road," with the usual corporate powers, &c. 3. The seven first named commissioners to notify the subscribers to meet for the purpose of organizing the corporation. Officers to be chosen. Number of votes limited. 4. Times of annual and special meetings of the company prescribed and their powers at such meetings. 5. Certificates of shares to be issued on part payment. Certificates made transferable, &c. 6. Meetings of the president and managers, and proceedings at such meetings, regulated and prescribed. 7. Regulations in case of neglect to pay the sub-

scription money. 8. The president and managers, &c. may enter lands, &c. through which the road may pass, to examine the ground, &c. and survey, &c. the route or track of said road, &c. 9. The president, managers, &c. may enter lands, &c. to take materials, and to make amends for any damage done thereby and modes of ascertaining the damage prescribed. 10. The president and managers to erect permanent bridges, and cause a road to be laid out, &c. 11. When turnpikes are to be erected, and tolls to be allowed; and proceedings previous thereto. 12. The company authorized to appoint toll-gatherers, &c. Rates of tolls prescribed. 13. Regulations as to the breadth of carriage wheels, and the weight to be carried at different seasons of the year. But these regulations may be altered by the by-laws, &c. 14. Comparative toll for mules and horses.]

SECT. XV. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good and perfect order and repair, for the space of five days, and information thereof shall be given to any Justice of the Peace of the neighbourhood, such Justice shall issue a precept, to be directed to any constable, commanding him to summons three disinterested judicious freeholders, to meet at a certain time in the said precept to be mentioned, at the place in the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said Justice shall at such time and place, by the oaths or affirmations of the said freeholders, enquire whether the said road, or any part thereof, is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made, under the hands of himself and of a majority of the said freeholders; and if the said road shall be found by the said inquisition to be out of order and repair, according to the true intent and meaning of this act, he shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, for passing the interval of roads between them shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put into good and perfect order and repair as aforesaid; and if the same shall not be so put into good and perfect order and repair before the next ensuing Court of Quarter Sessions of the said county wherein the same shall be, the said Justice shall certify and send a copy of the said inquisition to the Judges of the said court, and the said court shall thereupon cause process to issue and bring the body or bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be so found defective, and shall direct an indictment or indictments to be sent to the grand inquest, against the person or persons entrusted as aforesaid; and the said court shall, after conviction, give such judgment, according to the nature and aggravation of the neglect, as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties: and the fines and penalties so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said courts, and shall be paid to the supervisors of

Proceedings
in case the
road is not
kept in good
repair.

1804. the highways of the place wherein the offence was committed, to be applied to the repairing such highways as the township or county is bound to maintain and repair at the public expense thereof.

Penalty on toll-gatherers receiving toll for the road when of repair, of more than legal toll.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That if any toll-gatherer on the said road shall demand and receive any toll for any part of said road that is declared out of repair, until the same shall be put into repair, or shall demand and receive any other or greater tolls than by this act is authorized and allowed, such toll-gatherer shall forfeit and pay twenty dollars for every such offence, one half to the use of the poor of the township or county, the other half to the use of the person or persons who shall sue for the same, to be recovered as debts of equal amount are or may be by law recoverable.

SECT. 17. [The president and managers to keep the company accounts of subscriptions, &c. And submit the same to a general meeting of the stockholders, and if the capital stock is found insufficient to complete the road, it may be enlarged. 18. The president and managers to keep an account of the tolls, and declare dividends on the profits, &c. 19. To lay an abstract of the accounts before the Legislature, &c. in order to ascertain the clear income; and if the profits do not amount to six per cent. tolls may be increased, but never to exceed nine per cent. 20. Posts of direction to be erected. 21. Mile-stones to be placed on the side of the road, and printed rates of tolls to be fixed at the turnpikes.]

Drivers to keep the right hand side in the passing direction.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That all waggoners and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, except when passing by a carriage of slower draft, shall keep their horses and carriages on the right hand side of the road, in the passing direction, leaving the other side of the road free and clear for other carriages to pass and repass; and if any driver shall offend against this provision, he shall forfeit and pay the sum of two dollars to any person who shall be obstructed in his passage and will sue for the same, to be recovered with costs before any Justice, in the same manner as debts of equal amount are or may be by law recoverable.

SECT. 23. [How the amount of damages sustained, by the owners of lands through which the road passes, is to be ascertained, by viewers appointed by the court. 24. Time allowed for beginning and completing the road. 25. The right of purchasing the road and extinguishing the tolls reserved to the state.] (*d*)

Passed 5th March, 1804.—Recorded in Law Book No. IX. page 362.

(*d*) See a supplement to this act, extending certain provisions of the Philadelphia and Lancaster turnpike company, to this company, and authorizing a bridge over Swatara, passed 4th

April, 1807, (chap. 2796,) one hundred shares of the stock of this company subscribed for by the state, by act of 21st March, 1808, (chap. 2930.)

CHAPTER MMCCCCXXIX.

1804.

An ACT for the relief of George Eichholtz. (e)

Passed 5th March, 1804.—Recorded in Law Book No. IX. page 378.

(e) George Eichholtz, a soldier in the revolutionary war, wounded, and disabled to maintain himself and family—an annuity of sixty dollars granted to him, payable half yearly. (Note to former edition.)

CHAPTER MMCCCCXXX.

An ACT to enable the Governor of this commonwealth to incorporate a company for making an artificial or turnpike road from the intersection of Bristol and Newtown roads, at the rock in Oxford, through Bustleton and Smithfield, in the county of Philadelphia, to the Buck tavern, in Southampton, in the county of Bucks.

SECT. 1. [COMMISSIONERS appointed to open books and receive subscriptions. Form of subscription. Notice of the times and places of subscription to be published. Who may subscribe. How long the books shall be kept open. Commissioners may adjourn from time to time. Subscribers to pay fifteen dollars on each share subscribed. 2. When and how a patent of incorporation shall be obtained. Style of the corporation to be "The President, Managers and Company of the Bustleton and Smithfield Turnpike Road," with the usual corporate powers. 3. When and how the officers of the corporation shall be appointed, and by-laws made. Limitation of votes. 4. Times and places for the meeting of the corporation, prescribed. 5. Certificates of stock to be given to each subscriber, and how transferable. 6. Meetings of the president and managers, regulated, and their power and authority prescribed. 7. Penalty for not paying the dividend on subscriptions. 8. Route or track of the road declared. No agent of the company to enter upon lands without the owners' consent. Exception. 9. Form and structure of the road; buildings on the present road not to be injured. 10. When and how a license to erect gates and take toll shall be obtained. Persons attending funerals, or places of worship to be exempt from payment of tolls. 11. Power to appoint toll-gatherers, and rate of tolls prescribed. Penalty for attempting to defraud the company of tolls, and penalty if toll-gatherers extort toll not allowed by the act, and appropriation thereof. 12. Regulation of the wheels of carriages; and the weight to be carried at different seasons. And penalty for a breach of those regulations. Power of the company to alter the regulations. 13. Comparative toll for oxen, and horses.]

SECT. XIV. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good and perfect order and repair, for the space of five days, and information shall be given thereof to any Justice of the Peace of the neighbourhood within the county where the repair ought to be made, such Justice shall issue a precept, to be directed to any constable,

Proceedings
in case the
road is not
kept in good
order.

1804. commanding him to summon three disinterested persons, to meet at a certain time in the said precept to be mentioned, at the place in the said road which shall have been complained of, of which meetings notice shall be given to the keeper of the gate or turnpike nearest thereto within the said county, and the said Justice shall, at such time and place, on the oaths or affirmations of the said persons, enquire whether the said road or any part thereof is in such good and perfect order and repair as aforesaid; and if upon such enquiry, the said road shall be found to be out of order and repair, contrary to the true intent and meaning of this act, the said Justice shall cause an inquisition thereof to be made, under his own hand, and at least two of the said persons, one copy whereof he shall certify and send to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid; and if the same shall not be so put in good and perfect order and repair before the next Court of Quarter Sessions of the Peace, to be held for the county in which the defect is proved to be, the said Justice shall certify and send a copy of the inquisition aforesaid to the Justices of the said court, who shall thereupon cause process to issue to bring in the body or bodies of the person or persons entrusted by the said company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed thereon as in the cases of supervisors of the highways for neglect of their duty; and if he or they shall be convicted of the offence charged by the said inquisition the said court shall give such judgment, according to the nature and aggravation of the neglect, as they in their discretion shall judge proper: *Provided*, 'The fine in no instance shall be less than fifty dollars, nor exceeding one hundred dollars; and the fines so imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said county, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to repairing the highways and public roads therein.

Penalty for passing through private gates or passages, with intent to defraud the company.

SECT. XV. *And be it further enacted by the authority aforesaid*, That if any person or persons whosoever, owning, riding in, or driving any sulkey, chair or chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, riding or leading any horse, mare or gelding, or driving any sheep, hogs or other cattle, shall therewith pass through any private gates or bars or along or over any private passage, way or other ground near to or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the said company, and avoid the payment of the toll or duty for passing through any such gate or turnpike; or if any person or persons shall, with such intent, take off or cause to be taken off, any horse, mare or gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, or practise any other fraudulent means or device, with intent that the

payment of any such toll or duty may be evaded or lessened, all and every person or persons, in all or every, or any of the ways or manners aforesaid, offending, shall, for every such offence, respectively, forfeit and pay to the president and managers and company of the Bustleton and Smithfield turnpike road, any sum not exceeding ten dollars, to be sued for and recovered, with costs of suit, before any Justice of the Peace, in like manner and subject to the same rules and regulations as debts of a similar amount may be sued for and recovered: *Provided always*, That if any person or persons shall be thus prosecuted, and the said prosecution shall not be sustained on the part of the prosecutors, then and in such case the person or persons prosecuted as aforesaid, shall receive from the said company the sum of twenty dollars, in lieu of damages arising from delay and a vexatious prosecution; recoverable as other fines under this act.

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Appropriation.

Provide in case of vexatious prosecutions.

SECT. 16. [Accounts of subscriptions, to be kept by the president and managers. To be submitted yearly to the stockholders. When and how the number of shares may be increased. 17. The company to keep an account of tolls, and make half yearly dividends of the profits. 18. Accounts to be annually laid before the legislature. When and how the rate of tolls may be raised. Surplus profits how to be applied. 19. Index-posts to be erected.]

SECT. XX. *And be it further enacted by the authority aforesaid*, That the said company shall cause mile-stones to be placed on the side of the said road, beginning at the distance of one mile from the rocks aforesaid, and extending thence to the termination of the turnpike road aforesaid, whereon shall be marked, in plain legible characters, the respective number of miles each stone is distant from the rocks aforesaid, and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from the said rocks, and the distance from the nearest gates or turnpikes in each direction, to be marked in legible characters, designating the number of miles and fractions of a mile on the said gates, or some other conspicuous place, for the information of travellers and others using the said road; and if any person shall wilfully destroy the said posts, boards, index-hands or mile-stones, or deface the same, or deface the directions made on the said gates or other conspicuous places as aforesaid, or shall, without permission of the acting superintendent of the said road, throw out upon the said road, or within the limits thereof, and suffer to remain, for the space of one day, any mould, dirt, shavings, weeds or rubbish of any kind, such persons being convicted thereof by the evidence of one or more creditable and disinterested witness or witnesses, before any Justice of the Peace of that county in which the offence shall have been committed, he or she shall be adjudged by the said Justice to pay a fine not exceeding three dollars, to be recovered with costs, as debts under five pounds are by law recoverable; which fine, when recovered, shall be paid by the said Justice to the treasurer of the said company for the use of the said company.

Mile-stones to be erected.

Distance of turnpikes to be marked on the gates

Penalty for destroying index-hands, mile-stones, &c.

or for throwing rubbish into the road.

Appropriation.

SECT. XXI. *And be it further enacted by the authority aforesaid*, That all waggoners and drivers of carriages of all kinds, whether

Waggoners to keep the right hand.

1804.

side of the
road in the
passing di-
rection.

Penalty for
non-compli-
ance.

of burden or pleasure, using the said road, shall, except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road in the passing direction, leaving the other side of the road free and clear for other carriages to pass and repass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be so obstructed in his passage and will sue for the same, to be recovered with costs before any Justice, in the same manner as debts under forty shillings are by law recoverable.

SECT. 22. [Limitation of the time for commencing and finishing the road. Proceedings if the legislature should think proper to purchase the road.] (f)

Passed 5th March, 1804.—Recorded in Law Book No. IX. page 379.

(f) By an act passed 3d February, 1806, this company is authorized to raise by way of lottery, 20,000 dollars for the purpose of discharging debts,—and see an act passed 17th March, 1806. (Note to former edition.)

CHAPTER MMCCCCXXXI.

An ACT appointing the place whereupon to erect the court-house and public offices for the county of Crawford.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of the county of Crawford shall, as soon as convenient, erect the court-house and public offices for said county, upon the piece of ground in the town of Meadville, known by the name of the public square.*

Passed 5th March, 1804.—Recorded in Law Book No. IX. page 394.

CHAPTER MMCCCCXXXII.

An ACT to alter the place of holding the elections in the seventh election district in Huntingdon county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the electors of the seventh election district, in the county of Huntingdon, shall hold their elections at the house now occupied by Samuel Henry, in Barree township, any law, usage or custom to the contrary notwithstanding.*

Place of hold-
ing elections
in the se-
venth dis-
trict, Hunt-
ingdon coun-
ty.

Passed 5th March, 1804.—Recorded in Law Book No. IX. page 395.

CHAPTER MMCCCCXXXIII.

1804.

An ACT authorizing the Governor of this commonwealth to incorporate a company for making an artificial road from the western side of Laurel-hill, near Union-town, to the state line in a direction towards Cumberland in the state of Maryland.

SECT. 1. [COMMISSIONERS appointed to open books of subscription. Form of subscription. Notice to be given of the times and places of subscription. Who may subscribe, and how long the books may be kept open. Commissioners may adjourn, from time to time, until two hundred and fifty shares are subscribed. Subscribers to pay a deposit of five dollars for each share subscribed. 2. When a certain number of shares are subscribed, commissioners to certify to the Governor; who may thereupon incorporate them, by the name of "The President, Managers and Company of the Union and Cumberland Turnpike road," with the usual corporate powers. 3. The seven first named in the charter to notify the subscribers to meet for the purpose of organizing the corporation. Officers to be chosen. Number of votes limited. 4. Of annual and special meetings of the company; and its powers at such meetings. 5. Certificates of shares to be issued on part payment; which shall be transferable, &c. 6. Meetings of the president and managers, &c. Five members to form a quorum, &c. 7. Regulations in case of neglect to pay the subscription money. 8. The president and managers, &c. may enter lands, &c. through which the road may pass, to examine the ground, &c. 9. The president, &c. may enter lands, &c. to take materials; first giving notice to the owners and making amends for any damage done, and for materials. How the value thereof is to be ascertained. 10. The president and managers to cause a road to be laid out; of what size and description. 11. When turnpikes are to be erected, and tolls allowed; proceedings previous thereto. 12. The company to appoint toll-gatherers, &c. Rates of tolls prescribed. 13. Regulations respecting the size of carriage wheels and burthens to be carried, at certain seasons of the year. Comparative toll for oxen, horses and mules.]

SECT. XV. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good and perfect order and repair, for the space of five days, and information thereof shall be given to any Justice of the Peace of the neighbourhood, such Justice shall issue a precept, to be directed to any constable, commanding him to summon three disinterested freeholders, to meet at a certain time in the said precept to be mentioned, at the place in the said road which shall be complained of; of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto; and the said Justice shall at such time and place, by the oaths or affirmations of the said freeholders, enquire whether the said road or any part thereof is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made, under the hands of himself and a majority of the said freeholders; and if the said road shall be found, by the said inquisition, to be out of order and repair, contrary to the true intent and

Proceedings
in case the
road is not
kept in good
repair.

1804. meaning of this act, the said Justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes and gates, for passing the interval of road between them, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid; and if the same shall not be so put into good and perfect order and repair, before the next General Court of Quarter Sessions of the Peace to be held for the county wherein the said defective part or parts of the said road shall be, the aforesaid Justice shall certify and send a copy of the inquisition aforesaid to the Justices of the said court, and the said Justices shall thereupon cause process to issue, and bring in the body or bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed upon such inquisition, in the same manner and form as upon indictments found by the grand inquest for the body of the county against supervisors of the highways for neglect of their duty; and if the person or persons entrusted by the said company as aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall give such judgment, according to the nature and aggravation of the neglect, as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties: and the fines and penalties so to be imposed, shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court; and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to repairing such highways as the township or county is bound to maintain and repair at the public expense thereof.

Penalty on toll-gatherers demanding and receiving more than legal toll.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That if any toll-gatherer on the said road shall demand and receive from any person or persons using the same, any greater or higher toll than by this act is authorized, or shall receive toll for any part of said road which may be declared to be out of order and repair, until it shall be repaired, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, to the use of the poor of the proper township, to be recovered as debts of equal amount are or may be by law recoverable.

Penalty on persons attempting to defraud the company, and evade the payment of the tolls.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That if any person or persons, whosoever, owning, riding in, or driving any sulkey, chair, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, or owning, riding, leading or driving any horse, mare, gelding, hogs, sheep or other cattle, shall therewith pass through any private gate or bars, or along or over any private passage way, or other ground near to or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with the intent to defraud the company and evade the payment of the toll or duty for passing through any such gate or turnpike; or if any person or persons, with such intent take off, or cause to be taken off, any horse, mare, gelding or other cat-

tle, from any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, or practise any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person and persons, in all or any of the ways or manners aforesaid offending, shall for every such offence respectively, forfeit and pay to the president, managers and company of the Union and Cumberland turnpike road, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit before any Justice of the Peace in like manner and subject to the same rules and regulations as debts under twenty pounds may be sued for and recovered.

SECT. 18. [The president and managers to keep the company accounts of subscriptions, &c. and submit the same to a general meeting of the stockholders; and if the capital is found insufficient to complete the road, it may be enlarged. 19. The president and managers to keep an account of the monies received, and declare dividends on the profits. 20. At the end of every third year accounts to be laid before the Legislature, in order to ascertain the clear annual income; and if the profits do not amount to six per cent. the tolls may be increased; but not to exceed nine per cent. 21. Direction posts to be erected.]

SECT. XXII. *And be it further enacted by the authority aforesaid,* That the said company shall cause mile-stones to be placed on the side of the road, beginning at the distance of one mile from the town of Union aforesaid, and then extending thence to the termination of the turnpike aforesaid, whereon shall be marked, in plain legible characters, the respective number of miles which each stone is distant from the said town of Union; and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from the town of Union aforesaid, and the distance from the nearest gates or turnpikes in each direction, to be marked in legible characters, designating the number of miles and fractions of a mile on the said gates, or some other conspicuous place, for the information of travellers and others using the said road; and if any person shall wilfully destroy the said posts, boards, index-hands or mile-stones, or deface the same, or deface the directions made on the said gates or other conspicuous places as aforesaid, such person being convicted thereof by the evidence of one or more credible witness or witnesses, before any disinterested Justice of the Peace of the county where any of the said posts, boards, index-hands, mile-stones and directions on the said gates or other conspicuous places shall be destroyed or defaced, he shall be adjudged by the said Justice to pay a fine not exceeding ten dollars, to be recovered with costs as debts of equal amount are or may be by law recoverable; which fine, when recovered, shall be paid by the said Justice to the treasurer of the said company, for the use of the company.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That all waggons and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, shall, except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the road in the passing direction, leaving the other side of the road free and clear for other carriages to pass

Mile-stones
to be placed
on the side of
the road.

Penalty for
destroying
or defacing
index-hands,
mile-stones,
&c.

Drivers to
keep the
right hand
side in the
passing di-
rection.

1804. and repass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be obstructed in his passage and will sue for the same, to be recovered with costs before any Justice, in the same manner as debts under forty shillings are by law recoverable.

Penalty for non compliance.

SECT. 24. [Limitation of time for commencing and finishing the road. 25. When and how the company's right to receive tolls may be extinguished.]

Passed 5th March, 1804.—Recorded in Law Book No. IX. page 395.

CHAPTER MMCCCCXXXIV.

An ACT declaring part of Conedogwinet creek, in the county of Cumberland, a public highway.

Part of Conedogwinet creek declared a public highway.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Conedogwinet creek, from the Cove-fording to the Franklin county line, shall be, and the same is hereby declared to be a public highway, for the passage of boats and rafts along the same, and it shall and may be lawful for the inhabitants desirous of improving or using the navigation of the said creek, to remove all natural and artificial obstructions from below the Cove-ford, on said creek, to the Franklin county line aforesaid: Provided, That in doing the same, they shall not thereby do any damage to private property.*

The right of persons holding lands on said creek to erect dams not to be affected.

SECT. II. *And be it further enacted by the authority aforesaid, That nothing in this act contained shall be deemed, taken or understood, to prevent any person or persons possessing land on said creek, who, before the passing of this act had authority under the law of this commonwealth to erect a dam or dams, from erecting the same, as he, she or they may think proper: Provided, That such dam or dams be so constructed and kept in repair by the owners thereof, with complete slopes and locks on convenient parts of such dams, as that the navigation of said creek for boats and rafts will not be injured, nor the passing of fish prevented.*

Passed 5th March, 1804.—Recorded in Law Book No. IX. page 409.

CHAPTER MMCCCCXXXV.

[Printed at large, 7th vol. 8vo. p. 253.]

An ACT to alter an act, entitled "An act to erect the town of Pittsburgh, in the county of Allegheny, into a borough, and for other purposes therein contained."

SECT. 1. [PITTSBURGH erected into a borough. Its title and boundaries. 2. When and what borough officers shall be chosen, and manner of choosing them, (g) and of supplying vacancies.

(g) An alien who has resided in Pittsburgh, one year next preceding an election for borough officers, and has within that time paid a borough tax, is

entitled to vote at such election. 2 Binnely, 110, and see the act of 7th March, 1805, (chap. 2551.)

3. Incorporation of the borough officers, by the name and style of "The Burgesses and Town Council of the borough of Pittsburgh." 4. Penalty on refusing to act as a borough officer. 5. Qualification of the borough officers prescribed. 6. Further powers of the corporation: to regulate the market, repair the streets, &c. to assess and appropriate the necessary taxes. No by-law to be repugnant to the constitution or laws of the United States, or this commonwealth. Limitation as to amount of taxes 7. How taxes are to be collected, and to whom paid. 8. Duties of the town-clerk. 9. The treasurer to give security. 10. Accounts to be rendered annually by all borough officers. 11. Five of the town-council to be a court of appeal, and its powers prescribed. 12. Duties of the high constable. 13. Further powers of the corporation, with respect to wharves on the Monongahela river. 14. Appeal allowed to the Court of Quarter-Sessions. 15. Former act repealed.]

Passed 5th March, 1804.—Recorded in Law Book No. IX. page 410.

CHAPTER MMCCCCXXXVII.

An ACT to erect Somerset-town, in the county of Somerset, into a borough.

SECT. 1. [SOMERSET town erected into a borough. Its boundaries. 2. Time and manner of choosing borough officers. Officers to be chosen. How disputed elections are to be determined, by the Court of Common Pleas, &c. 3. Incorporation of the borough officers, by the name of "The Burgesses and Town Council of the borough of Somerset, in the county of Somerset." 4. Penalty for refusing to act as a borough officer, to be applied to the use of the corporation. 5. Qualifications of the borough officers, prescribed. 6. General powers of the corporation, to make by-laws and ordinances. 7. The by-laws of the corporation to be carried into full and complete operation. Duty of the town-clerk. Persons feeling themselves aggrieved by any thing done under this act may appeal to the Court of Quarter Sessions.]

Passed 5th March, 1804.—Recorded in Law Book No. IX. page 418.

CHAPTER MMCCCCXXXVIII.

An ACT to enable the Governor of this commonwealth to incorporate a company to make an-artificial road from the top of Chesnut-hill, through Flour-town, to the Spring-house tavern, in Montgomery county.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions for the turnpike road. Form of subscription. Notice to be given of the times and places of subscription. Who may subscribe. Commissioners may adjourn from time to time until seven hundred shares are subscribed. Sum to be paid at the time of subscribing, to be fifteen dollars for each share. 2. When and

1804. how a patent of incorporation shall be obtained. The style of the corporation to be "The Chesnut-hill and Spring-house Turnpike Company," with the powers incident to a corporation. 3. The commissioners to notify the subscribers to meet for the purpose of organizing the corporation, choosing officers, and of making by-laws. Limitation of votes. 4. Of annual and special meetings of the corporation. 5. The stockholders to be furnished with certificates of shares, which shall be transferable. 6. Meetings of the president and managers, to be at such times and places as shall be ordained by their by-laws, and their powers at such meetings prescribed. 7. Proceedings if the stockholders do not pay their dividends of stock. 8. Route or track of the road prescribed. Not to enter upon private property without permission. 9. Width and structure of the road declared, and power of the company to erect bridges. 10. Proceedings to obtain license to erect turnpikes and receive toll. But persons attending funerals and places of worship, shall be exempt from paying tolls. 11. Toll-gatherers to be appointed; and rates of toll prescribed. Penalty for deceiving toll-gatherers, and on toll-gatherers for extorting illegal toll, and appropriation thereof to the poor. 12. Regulation of the breadth of wheels and weight to be drawn thereon, prescribed, and penalty for transgressing to be four times the customary toll. Power of the company to alter these regulations; but not so as to lessen the weight. 13. Comparative tolls for horses, oxen and mules.]

Proceedings
if the road is
not kept in
repair,

SECT. XIV. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good and perfect order, for the space of five days, and information thereof shall be given to any Justice of the Peace of the neighbourhood within the county where the repair ought to be made, such Justice shall issue a precept to be directed to any constable commanding him to summon three disinterested persons, to meet at a certain time in the said precept to be mentioned, at the place in the said road which shall be complained of; of which meeting notice shall be given to the keeper of the gate, or turnpike nearest thereto within the said county; and the said Justice shall at such time and place, on the oaths or affirmations of the said persons, enquire whether the said road or any part thereof is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made, under his hand and the hands of a majority of the said persons; and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said Justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put into good and perfect order and repair as aforesaid; and if the same shall not be so put into good and perfect order and repair before the next General Court of Quarter Sessions of the Peace to be held for the county in which the defect is proved to be, the aforesaid Justices shall certify and send a copy of the inquisition aforesaid to the Justices of the said

No toll to be
collected for
parts out of
order, until
repaired.

court, and the said Justices shall thereupon cause process to issue, and bring in the body or bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed thereon as in cases of the supervisors of the highways for neglect of their duty; and if the person or persons entrusted by the said company as aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall give judgment according to the nature and aggravation of the neglect as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties; and the fines and penalties so to be imposed, shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to repairing the public roads within such township.

Penalty on superintendents neglecting to make repairs. How to be recovered and appropriated.

SECT. XV. *And be it further enacted by the authority aforesaid,* That if any person or persons whosoever, owning, riding in, or driving any sulkey, chair or chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, riding or leading any horse, mare or gelding, or driving any hogs, sheep, or other cattle, shall therewith pass through any private gates or bars, along or over any private gates or bars, or along or over any private passage way or other ground near to or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company and avoid the payment of the toll or duty for passing through any such gate or turnpike; or if any person or persons shall, with such intent, take off or cause to be taken off, any horse, mare or gelding, or other cattle from any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, or practise any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons, in all or every or any of the ways or manners aforesaid offending, shall for every such offence respectively, forfeit and pay to the president, managers and company of the Chesnut-hill and Spring-house turnpike road any sum not exceeding ten dollars, to be sued for and recovered with costs of suit, before any Justice of the Peace, in like manner and subject to the same rules and regulations as debts of a similar amount may be sued for and recovered: *Provided always,* That if any person or persons shall be prosecuted under this section of the act, and the said prosecution shall not be sustained on the part of the prosecutors, then and in such case the person or persons prosecuted as aforesaid, shall receive from the company the sum of ten dollars, in lieu of damages arising from delay and a vexatious prosecution, recoverable as other fines under this act.

Frauds on the turnpike, with intent to avoid the payment of toll, how punished.

Proviso against malicious prosecutions.

SECT. 16. [General accounts of the company to be kept; and submitted yearly to the inspection of the stockholders; and when the capital stock may be increased. 17. Accounts of tolls to be kept; and profits divided. Dividends to be published. 18. Abstract of the accounts to be laid before the legislature. Provision for in-

1804. creasing the tolls. Clear profits of the company not to exceed nine per cent. Surplus to be appropriated to purchase of shares; and when the whole is purchased the road to be free. 19. Direction posts to be erected.]

Mile-stones
to be placed
on the side
of the road.

Distance
from each
other to be
marked on
the turn-
pikes.

Pénalty for
destroying
mile-stones,
&c.

Or throwing
rubbish in
the road.

Appropriation.

Regulations
for driving
on the road.

Penalty for
transgressing.

SECT. XX. *And be it further enacted by the authority aforesaid,* That the said company shall cause mile-stones to be placed on the side of the said road, beginning at the distance of one mile from the top of Chesnut-hill, and extending thence to the termination of the turnpike aforesaid, whereon shall be marked, in plain, legible characters, the respective number of miles, or fractions of a mile, which each stone is distant from the top of Chesnut-hill, and city of Philadelphia; and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from the top of Chesnut-hill, and the distance from the nearest gates or turnpikes in each direction, to be marked in legible characters, designating the number of miles and fractions of a mile on the said gates, or some other conspicuous place, for the information of travellers and others using the said road; and if any person shall wilfully destroy the said posts, boards, index-hands or mile-stones, or deface the same, or deface the directions made on the said gates or other conspicuous places as aforesaid; or shall, without permission of the acting superintendant of the said road, throw out upon the said road, or within the limits of the same, and suffer to remain, for the space of one day, any mould, dirt, shavings, weeds or rubbish of any kind, such person being convicted thereof by the evidence of one or more creditable witness or witnesses, before any disinterested justice of the Peace of the county, he or she shall be adjudged by the said Justice to pay a fine not exceeding ten dollars, to be recovered with costs, as debts of equal amount are or may be by law recoverable; which fine, when recovered, shall be paid by the said Justice to the treasurer of the said company for the use of said company.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That all waggoners and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, shall, except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road in the passing direction, leaving the other side of the road free and clear for other carriages to pass and repass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be obstructed in his passage, and will sue for the same, to be recovered with costs before any Justice, in the same manner as debts of equal amount are or may be by law recoverable.

SECT. 22. [Limitation for commencing and finishing the road.
23. Provision for the purchase of the road by the Legislature.]

Passed 5th March, 1804. —Recorded in Law Book No. IX. page 421.

CHAPTER MMCCCCXXXIX.

An ACT to incorporate "The Philadelphia Bank."

WHEREAS an association of citizens hath heretofore been formed in the city of Philadelphia, under the name and style of

"The Philadelphia Bank," for the purpose of making loans to the merchants, traders, and other citizens of this commonwealth, upon moderate and reasonable terms: And whereas the operations of the said association are calculated to advance the interests of commerce and navigation, to encourage a spirit of improvement in agriculture, manufactures, arts and sciences, and to aid the exertions of honest industry, and to repress the unlawful and pernicious practice of usury: And whereas the said association, on their application to the Legislature for a charter (to place them on an equal footing with other citizens of the commonwealth, who are engaged in the same business) have made propositions which will be highly advantageous to the finances of this state: Therefore, with a view to embrace these objects to the commonwealth, and to facilitate the transaction of the affairs of the said association,

1804.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That

all and every the persons who shall, at the time of the passing of this act, be members of the said association, called "The Philadelphia Bank," and proprietors of the capital stock thereof, shall be, and they and their successors and assigns are hereby created and declared to be, one body politic and corporate, by the name, style and title of "The Philadelphia Bank," upon the conditions hereinafter specified, and by the same name shall so continue until the first day of May, in the year one thousand eight hundred and fourteen, and no longer, and shall be able to sue and be sued, implead and be impleaded, in all courts of record or elsewhere, and to purchase, have and hold, receive, possess, enjoy and retain, to them and their successors, lands, tenements, hereditaments, rents, goods, chattels and effects, of whatsoever kind, nature or quality, to an amount not exceeding two millions of dollars, including the amount of the capital stock of the said company, except such as may be held in security or for payment of debt, and the same from time to time to sell, grant, demise, alien or dispose of, and also to make, to have and use a common seal, and the same to break, alter and renew at pleasure, and also to ordain, establish and put in execution, such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the fundamental articles thereof, or to the constitution and laws of the United States or this state, and generally to do and execute all acts, matters and things, consistently with the provisions of this act, which a corporation or body politic in law may or can lawfully do and execute.

The stock-holders incorporated.

Name and style of the corporation and term of existence.

Its powers and privileges.

SECT. II. *And be it further enacted by the authority aforesaid,* That all the joint stock, and all other the bills, bonds, notes or other securities, dues, claims and demands, and all the records, books, papers, vouchers and other documents whatsoever, or in any wise belonging to, or held and claimed by the said association of citizens, at the time of passing of this act, shall be transferred to and vested in the said corporation of "The Philadelphia Bank," hereby created as absolutely and completely, to all intents and purposes, as the same respectively shall then belong to, or be held and claimed

The joint stock, notes, papers, &c. belonging to the association of citizens, at the passing of this act, transferred to and vested in the corporation.

1804. by the said association of citizens, or by their officers and agents, for their use ; and also all the bills, bonds, notes, contracts and other engagements, debts, obligations and assumptions whatsoever of the said association of citizens, entered into, made, issued, subsisting, due and payable, or to grow due and payable at the time of the passing of this act, shall thenceforth become and be as obligatory and binding upon the said incorporation of "The Philadelphia Bank," hereby created, to all intents and purposes, as if the same respectively had been entered into, made and contracted by the said corporation subsequent to the incorporation thereof: *Provided always nevertheless*, That nothing herein contained shall, in any wise, be construed to impair the obligation of any contract at any time made or entered into by the said association of citizens.

And the engagements of the former to be obligatory on the latter.

Fundamental articles.

SECT. III. *And be it further enacted by the authority aforesaid*, That the following shall constitute the fundamental articles of the said company of "The Philadelphia Bank," hereby created ; *that is to say*,

The capital stock of the Philadelphia Bank.

ART. I. The capital stock of the Philadelphia bank shall consist of a sum not exceeding two millions of dollars, in money of the United States, one million whereof shall be divided into shares of one hundred dollars each, to be held by the proprietors thereof at the time of the passing of this act.

Of the choosing of directors.

ART. II. The affairs of the said Philadelphia Bank shall, for the present, be conducted by twenty-two directors, who shall be stockholders and citizens of this commonwealth, elected yearly and every year, six of whom shall be elected by the Legislature of this commonwealth ; *that is to say*, Three by the Senate, and three by the House of Representatives ; and if the state shall, at any time hereafter, subscribe four hundred thousand dollars, provided for in the fifth section of this act, in addition to three hundred thousand dollars previously subscribed for, then, and in that case, the state shall be entitled to two additional directors, who shall be elected in time and manner aforesaid, from and after which time the affairs of the bank shall be conducted by twenty-four directors ; which election in either case aforesaid, shall be held during the first session of each general assembly, on such days as they shall respectively appoint in the respective houses of the legislature, and the remaining sixteen directors shall be elected by the stockholders residing within the United States (and none others shall be capable of holding stock in the Philadelphia Bank) at a general meeting to be annually held at the city of Philadelphia, on the second Monday of February, for that purpose ; and the directors at their first meeting after each election shall choose one of their number as president, and nine of the directors, of whom the president shall always be one, shall form a board or quorum for transacting all the business of the company ; ordinary discounts may be done by the president, and any five of the directors ; in case of his sickness or necessary absence, his place may be supplied by any other director whom he may, by writing under his hand, nominate for that purpose. Until the second Monday of February, which will be in the year one thousand eight hundred and five, or until their successors shall be duly elected, in pursuance of this act, George Clymer, John Welsh, John Gardiner,

None but residents within the United States to be stockholders in the Philadelphia bank.

Directors to choose one of their number as president ;

of a quorum of the directors, and absence of the president.

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Names of the
present di-
rectors.

junior, Samuel Meeker, Elisha Kane, Jacob Sperry, Matthew Lawler, Louis D. Carpentier, William Guier, Joseph D. Drinker, John Bohlen, William Hazlet, Jacob Shoemaker, Abraham M. Garrigues, Israel Israel, and Joseph Clark, shall be the directors of the said Philadelphia bank, on behalf of the stockholders; if any director shall cease to be a stockholder, he shall cease to be a director, except those appointed by the Legislature, who shall continue to act till their place be supplied at the next election. The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold, in the proportions following, *that is to say*, For one share and not more than two shares, one vote for each share; for every two shares, above two, and not exceeding ten, one vote; for every four shares, above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote; for every eight shares above sixty, and not exceeding one hundred, one vote; but no person, co-partnership or body politic shall be entitled, either in his own right or as a proxy, to a greater number than thirty votes, and no share or shares shall confer a right of suffrage which shall not be holden at least two calendar months previously to the day of election; all stockholders may vote at elections or on any other question touching the bank, by proxy: *Provided*, The proxy be derived directly from such stockholders, be voted by a person being a citizen of this commonwealth, and be made in such form as the board of directors may appoint: *Provided always nevertheless*, That in case it should at any time happen, that an election of directors should not be made upon any day, when in pursuance of this act it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved; but it shall be lawful, on any other day, within ten days thereafter, to hold and make an election of directors, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation; and in case of a vacancy in the direction, by death, resignation or otherwise, the residue of the directors, for the time being, shall immediately elect a director to fill the said vacancy, until the next stated election of directors.

Of the ratio
of votes for
shares.Who may
vote.Of voting by
proxy.The failing
to elect di-
rectors on
the usual
day not to
dissolve the
corporation;
but, &c.Of supplying
vacancies.

ART. III. The board of directors of the Philadelphia bank, for the time being, and every succeeding board, shall give public notice to the stockholders of the company, of the time and place of their meeting, to choose directors in every year, at least fifteen days before such meeting, in two newspapers to be printed in the city of Philadelphia; and a fair and correct list of the stockholders shall be fixed up at least one month before any election of directors, in the common hall of the said bank; and each house of the legislature respectively shall be furnished with a list of the said stockholders, at least fifteen days previously to the time of their election of directors.

Notice to be
annually
given of the
time and
place of
meeting to
choose di-
rectors.

ART. IV. The board of directors shall have power to make, revise and alter, or annul, all such rules, by-laws and regulations for the government of the corporation, and that of their officers, servants and affairs, as they or a majority of them shall from time to time think expedient, not inconsistent with the laws and constitution of this state or of the United States, or of these articles of incorporation.

Powers of
the direc-
tors.

1804.

Further powers of the board of directors.

ART. V. The said board of directors shall have power to appoint a cashier and all other officers, clerks and servants, necessary for executing the business of the said corporation, and take security for their good behaviour, respectively, in such sum and sums as the by-laws of the corporation shall prescribe, and to establish the compensation to be paid to the president, and all the other officers and servants of the corporation, respectively, which together with all other necessary expenses, shall be defrayed out of the funds of the corporation.

Of the president's compensation.

ART. VI. No director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting; the stockholders shall make such compensation to the president, for his extraordinary attendance at the bank, as shall appear to them reasonable.

Of calling a general meeting of the stockholders.

ART. VII. A number of stockholders, not less than sixty, who together shall be proprietors of two hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders, for purposes relative to the institution, so also shall a majority of the directors have like power for like purposes, giving, respectively, as the case may be, at least six weeks notice in two of the public newspapers printed in the city of Philadelphia, and specifying in such notice the object or objects of such meeting.

Surety to be given by the cashier.

ART. VIII. Every cashier or treasurer, before he enters upon the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than fifty thousand dollars, with condition for his good behaviour, nor shall be allowed to carry on any other business than that of the bank, under the penalty of five thousand dollars.

Who may not be directors.

ART. IX. No director of any other bank shall be at the same time a director of this bank, nor shall the Governor, the Secretary of the commonwealth, any officer in the treasury department, in the offices of accounts, or in the land-office of this state, any member of congress, or any person holding or exercising any office of trust or profit under the United States, be a director of this bank.

The bills of the corporation to be assignable, &c.

ART. X. The bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereupon, under the hand or hands of such person or persons, and of his, her or their assignee, or assignees, and so as absolutely to transfer, and vest the property thereof in each and every assignee, or assignees, successively, and to enable such assignee or assignees, to bring and maintain an action thereupon, in his, her, or their own names; and bills or notes which may be issued, by order of the said corporation, signed by the president and countersigned by the principal cashier, or treasurer thereof, promising the payment of money to any person or persons, his, her or their order, or to the bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in the like manner, and with the like effect, as foreign bills of exchange now are, and those which are payable to the bearer, shall be negotiable and assignable by delivery only; and all notes or bills at any time discounted by the said corporation, shall be and they are hereby placed on the same footing as foreign bills of ex-

change; so that the like remedy shall be had for the recovery thereof, against the drawer and drawers, indorser and indorsers, and with like effect, except so far as relates to damages, any law, custom or usage to the contrary thereof in any wise notwithstanding. 1804.

ART. XI. The legislature shall be furnished annually at their first session, with statements of the amount of the capital stock of the said corporation, and of the debts due to the same, of the monies deposited therein, of the notes in circulation, and of the cash in hand, and shall have a right to inspect such general accounts in the books of the bank, as shall relate to the said statements: *Provided*, That this shall not be construed to imply a right of inspecting the account of any private individual or individuals, or any body politic or corporate with the bank. General accounts of the bank to be laid annually before the legislature.

ART. XII. The books, papers, correspondence and funds of the company, shall, at all times, be subject to the inspection of the directors; the directors shall keep fair and regular entries in a book to be provided for that purpose, of their proceedings; and on any question where two directors shall require it, the yeas and nays of the directors voting, shall be duly inserted on their minutes, and those minutes shall be at all times on demand produced to the stockholders, when at a general meeting, or to the legislature, or any committee thereof, who shall require the same. The books and papers, &c. of the company to be subject to the inspection of the directors.

ART. XIII. The shares of capital stock, at any time owned by any individual stockholder, shall be transferable according to such rules, as conformably to law may be established in that behalf by the board of directors; but all debts actually due or payable to the company (days of grace for payment being past) by a stockholder requesting a transfer, must be satisfied before such transfer shall be made, unless the board of directors shall direct to the contrary. Of the transfer of stock.

ART. XIV. The lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transacting of its business, and such as shall have been *bona fide* mortgaged to it, by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts; not more than fifty thousand dollars shall be expended in procuring ground, and erecting suitable buildings for the accommodation of the bank. What real estate the corporation may hold.

ART. XV. The said corporation may sell any part of the public debt of which it may be possessed, but shall not directly or indirectly, deal or trade in any kind of stock, except bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent, and not rendered in due time, or of goods which shall be the produce of its lands; it may invest its contingent funds in the public stocks of the United States, or any incorporated institutions in the United States, may lend money, but shall not take more than at the rate of half per centum per thirty days, for or upon its loans or discounts; and if the said corporation or any person or persons for, or to the use of the same, shall deal or trade in buying, or selling any goods, wares, merchandize or commodities whatsoever, contrary to the provisions of this act; all and every person Of selling the public debt of the corporation. Limitation of the trading of the bank. Of the investment of its contingent funds. Rate of interest on discounts.

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Penalty on trading contrary to the provisions of this act.

or persons, who shall have given any order or direction for so dealing or trading; and all and every person or persons, who shall have been concerned as parties, or agents therein, shall forfeit and lose treble the value of the goods, wares, merchandize and commodities in which such dealing and trade shall have been, one half thereof to the use of the informer, and the other half to the use of the state, to be recovered with costs of suit.

Of declaring dividends.

ART. XVI. Dividends of the profits of the company, or of so much of the said profits as shall be deemed expedient and proper, shall be declared and paid half-yearly during the months of March and September, in every year, and shall be determined from time to time by a majority of the said directors, at a meeting to be held for that purpose, and shall in no case exceed the amount of the net profits actually acquired by the company; so that the capital stock of the company shall never be impaired by dividends; and at the expiration of every three years from the last Tuesday of September next, a dividend of surplus profits shall be made; but the directors shall be at liberty to retain at least one per cent. upon the capital, as a fund for future contingencies.

Penalty on making a dividend, which shall impair the capital stock.

ART. XVII. If the said directors shall at any time wilfully and knowingly make or declare any dividend, which shall impair the said capital stock, all the directors present, at the making or declaring such dividend, and consenting thereto, shall be liable in their individual capacities to the company for the amount or proportion of the said capital stock so divided by the directors; and each director, who shall be present at the making or declaring of such dividend, shall be deemed to have consented thereto, unless he shall immediately enter in writing his dissent, on the minutes of the proceedings of the board, and give public notice to the stockholders that such dividend has been declared.

The debts of the corporation at no time to exceed double their capital, unless, &c.

ART. XVIII. The total amount of the debts which the said corporation shall at any time owe, whether by bond, loan, bill or note or other contract, shall not exceed double their capital, unless the contracting of any greater debt shall have been previously authorized by a law of the state: in case of excess the directors under whose administration it shall happen, shall be liable for the same in their individual and private capacities; and an action of debt may in such case be brought against them, or any of them, or their heirs, executors or administrators, in any Court of Record in this state or the United States, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding; but this shall not be construed to exempt the said corporation, or the lands, tenements, goods or chattels of the same from being also liable for and chargeable with the said excess, such of the said directors, who may have dissented from the resolution or act, whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent to the Governor of the state, and to the stockholders at a general meeting, which they shall have power to call for that purpose.

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ART. XIX. The bills or notes of the said corporation, originally made payable, or which shall become payable on demand, shall be receivable in payments from the bank to the state of Pennsylvania.

The notes of the bank made receivable in payments to the state.
Duration of the corporation.

SECT. IV. *And be it further enacted by the authority aforesaid,* That this act and the corporation hereby created, shall continue in force until the first day of May in the year one thousand eight hundred and fourteen: *Provided always nevertheless,* That the powers and obligations of the corporation shall in all respects continue, for the purpose of bringing the affairs thereof, which shall be depending on the said first day of May in the year one thousand eight hundred and fourteen, to a final settlement and termination.

SECT. V. *And be it further enacted by the authority aforesaid,* That in addition to the one million of dollars which has already been subscribed and paid into the Philadelphia bank by the private stockholders of the said bank, six hundred thousand dollars of new stock shall be created, three thousand shares of which stock the Governor of this commonwealth is hereby authorized to subscribe, and for which shares the said corporation shall receive in payment the sum of three hundred thousand dollars of six per cent. stock of the United States, the property of this state, at par; and as soon as the sum of one hundred and thirty-five thousand dollars shall have been passed to the credit of the state, on the books of the institution, as a gratuity for this charter; which sum of one hundred and thirty-five thousand dollars aforesaid, shall be drawn out as the exigencies of the state may require, by warrants drawn by the state-treasurer for that purpose, the Governor is hereby directed to transfer to the said Philadelphia bank the said sum of three hundred thousand dollars of six per cent. stock of the United States aforesaid; which stock so transferred shall become the sole property of the Philadelphia bank, and the other three hundred thousand dollars of new stock created as aforesaid, shall be disposed of by the corporation, for the benefit of the institution.

Additional stock to be created;

three thousand shares whereof the Governor is authorized to subscribe. In what manner to be paid for. Of the gratuity given for this charter.

SECT. VI. *And be it further enacted by the authority aforesaid,* That whenever the legislature of the state may require it, the said bank shall loan to the commonwealth a sum not exceeding one hundred thousand dollars, at an interest not exceeding five per cent. per annum, for any term not exceeding ten years. And further, the commonwealth shall have the right at the end of four years from the passing of this act, to subscribe two hundred thousand dollars to said bank, and to pay for the same at par; and, again, at the expiration of eight years from the passing of this act, to subscribe other two hundred thousand dollars to the said bank, and to pay for the same at par; which subscriptions of four hundred thousand dollars shall be for the sole use and benefit of the commonwealth: *Provided always nevertheless,* That if the said Philadelphia bank should fail, neglect or refuse faithfully to fulfil the payments required of the said bank in this act, according to the true intent and meaning thereof, then this act shall become null and void, and the state shall be released from her engagements on her part, as fully to all intents and purposes as if this act had never been passed; and the said bank shall re-transfer to the state the three hundred thousand dollars of six per cent. as aforesaid.

Of loans to the commonwealth.

Rate of interest.

A right given to the state to subscribe a further number of shares, to be paid for at par.

How this act may become void.

1804.

Penalty for
counterfeit-
ing the notes
of the Phila-
delphia
bank.

SECT. VII. *And be it further enacted by the authority aforesaid,* That if any person who shall be convicted of having, after the passing of this act, been concerned in printing, signing or passing any counterfeit note, or notes, of the Philadelphia bank, knowing them to be such, or altering any genuine note or notes of the said bank, shall be sentenced to undergo a confinement in the jail and penitentiary house of Philadelphia, for any time not less than four nor more than fifteen years, and shall be kept, treated and dealt with in all things, as is prescribed by an act, entitled "An act to reform the penal laws of this state," passed April the fifth, one thousand seven hundred and ninety. (*h*)

Passed 5th March, 1804.—Recorded in Law Book No. IX. page 435.

(*h*) By a supplement to this act, passed 8th January, 1805, (chap. 2516,) the debt incurred, on account of the gratuity to the state, shall not be considered as impairing the capital stock of the bank, so far as to incapacitate the directors, at the periods indicated by law, from making dividends from and out of the ordinary profits; and the directors are authorized and required gradually to restore the deficiency in the capital, occasioned by the said gratuity, out of the ordinary profits, as they from time to time shall think expedient, just and reasonable; but such restoration to be fully completed in seven years from the passing of this supplement.

By an act passed 1st March, 1806, (chap. 2642,) this charter is extended, and to continue until the 1st day of May, 1824, with the powers contained in the act in the text, thereafter, so far as relates to their bringing their affairs to a final close; and the whole period of the charter, as extended, is allowed

for making good the capital, as diminished by the gratuity to the state: And the state is allowed to subscribe the sum of two hundred thousand dollars, or any part thereof, at any time; being part of the original privilege reserved to the state, of subscribing four hundred thousand dollars; and the Governor is required to vest one hundred thousand dollars in the stock, at par, immediately.

By an act passed 3d March, 1809, this bank is authorized to establish branches, not exceeding eight in number; but not in any town or borough, without the consent of a majority of the taxable inhabitants thereof; nor where the Pennsylvania bank has previously established branches. The Pennsylvania bank not to establish branches where this bank may have previously established them. The corporation may annul such branches. All notes issued at the branches, shall be payable as well at the bank, as at the branches.

CHAPTER MMCCCLXXII.

An ACT to authorize the Governor of this commonwealth to incorporate a company for erecting a bridge over the river Delaware, near the town of Milford in the county of Wayne.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions for the new bridge. Form of subscription. Notice of the times and places of subscription to be published. For what time the books are to be kept open. Commissioners may adjourn from time to time, until a certain number of shares are subscribed for, of which adjournment notice shall be given, &c. A deposit of ten dollars on each share to be paid at the time of subscribing. 2. Proceedings to obtain a charter of incorporation; and the style to be, "The President, Managers and Company, for erecting a bridge over the river Delaware, near the town of Milford," with the usual corporate powers. 3. The subscribers to be notified to meet for the

purpose of organizing the company. Officers to be chosen, and the number of votes limited. 4. Annual meetings of the stockholders to choose officers, to be on the first Monday in May, &c. 5. Certificates of shares to be issued, which shall be transferable. 6. Of meetings of the company. Of a quorum to do business, &c. and powers of the company. 7. Regulations in case stockholders neglect to pay their dividend of capital. 8. The company may enter lands, &c. to take materials; doing as little damage as possible, and making amends therefor, and how the damage is to be determined by arbitration. 9. The president and managers to keep the company accounts of subscriptions, &c. and submit the same to a general meeting of the stockholders, &c. If the capital stock be found insufficient to complete the bridge it may be enlarged. 10. When tolls are to be allowed, and rates of tolls prescribed. 11. Comparative toll for oxen and horses. 12. Penalty on taking more than legal toll, or neglecting to keep the bridge in good repair. 13. The company to keep a just account of all tolls received, and publish half-yearly dividends on the profits. 14. The president and managers to lay an abstract of their accounts before the Legislature, &c. in order to ascertain the clear income; and if it will not bear a dividend of six per cent. on the capital, the tolls may be increased. 15. This act not to go into operation, till a similar law shall be passed by the Legislature of New-Jersey, and limitation of time for beginning and completing the bridge.

Passed 12th March, 1804.—Recorded in Law Book No. IX. page 448.

CHAPTER MMCCCCXLIII.

An ACT erecting one new election district, and changing the places of holding elections in two other districts, in the county of Northumberland.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act the township of **Chillisquaque**, in the county of Northumberland, shall be, and the same is hereby erected into a separate election district, to be called **Chillisquaque** district, and the electors thereof shall hold their elections at the house now occupied by **William Dale**, in the aforesaid township.

A new election district erected in Northumberland county.

Place of elections.

SECT. II. *And be it further enacted by the authority aforesaid, That* the place of holding the elections in the seventh election district, in the county aforesaid, be, and the same is hereby changed, from the house of **David Fowler**, to the house of **Abraham Miller**, in **Bloom** township; and that the place of holding elections in the fourteenth election district, in the county aforesaid, be, and the same is hereby changed from the house of **Henry Gross**, to the house now occupied by **Peter Apple**, in **Beaver** township, any law or laws to the contrary hereof notwithstanding.

The places of election changed in the seventh and fourteenth districts.

Passed 12th March, 1804.—Recorded in Law Book No. IX. page 457.

1804.

CHAPTER MMCCCCXLIV.

An ACT to erect Weisenberg and Lynn townships, in the county of Northampton, into a separate election district.

A new election district erected in the county of Northampton, to be called the twelfth district.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Weisenberg and Lynn townships, in the county of Northampton, be, and are hereby erected into a separate election district, to be called the twelfth district; and the electors thereof shall, from and after the passing of this act, hold their elections at the house now occupied by George Grim, in Weisenberg township aforesaid.*

Passed 12th March, 1804.—Recorded in Law Book No. IX. page 457.

CHAPTER MMCCCCXLVI.

[Vol. 3. pa. 60.]

A SUPPLEMENT to the act, entitled "An Act to enable executors and administrators, by leave of court, to convey lands and tenements contracted for with their decedents, and for other purposes therein mentioned."

WHEREAS doubts have arisen whether the executor of an executor, or the administrator, *de bonis non*, or in other words the administrator of the goods unadministered, could by leave of court convey lands and tenements contracted for with the first decedent, agreeable to the provisions of an act passed the thirty-first day of March, one thousand seven hundred and ninety-two, entitled "An act to enable executors and administrators, by leave of court, to convey lands and tenements contracted for, with their decedents, and for other purposes therein mentioned: Therefore,

Executors of executors, &c. to have equal powers with executors, &c.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That in all cases that have or may hereafter happen, the executor of an executor, the administrator *de bonis non*, or in other words the administrator of the goods unadministered, and so on in succession, shall have equal powers with executors and administrators, in the first instance, by leave of court, to convey lands and tenements contracted for with their first decedents, agreeable to the provisions of the act, entitled "An act to enable executors and administrators, by leave of court, to convey lands and tenements contracted for with their decedents, and for other purposes therein mentioned," passed the thirty-first day of March, anno Domini one thousand seven hundred and ninety-two.*

Passed 12th March, 1804.—Recorded in Law Book No. IX. page 459.

CHAPTER MMCCCCXLVII.

An ACT to incorporate the Delaware Insurance Company of Philadelphia. (i)

Passed 12th March, 1804.—Recorded in Law Book No. IX. page 459.

(i) An association of citizens, formed upon maritime and other risques, incorporated by the name of "The Delaware for the purpose of making insurances

Insurance Company of Philadelphia."—The clear yearly income of their real estate, not at any time to exceed ten thousand dollars.—All the estate, records, books, &c. belonging to the association, at the passing of this act, transferred to, and vested in the corporation, and all contracts, engagements, &c. of the former, made obligatory upon the latter, but not to impair the obligation of any contract entered into by the said association.—The capital stock to be five hundred thousand dollars, divided into five hundred shares of one hundred dollars each, payable one-fifth in bank stock, and four-fifths in specie, transferable on specified terms.—Stockholders refusing or neglecting to pay the instalments on their shares, to forfeit the bank stock and money paid, and all interest and claim of, in, to and out of the capital stock and funds of the company, and the profits arising therefrom on account of the shares so forfeited.—The capital stock may be vested in the public debt of the United States, or stock of any bank in Philadelphia, or other monied institution established and acting in Pennsylvania, in bills of exchange or bonds, secured by mortgage on sufficient real estate within the city and county of Philadelphia, or fifty thousand dollars may be loaned to the state, &c.—All securities and evidences of debt or duty shall be taken, and all deposits made in their corporate name.—They may sell and transfer any or all of their public securities, stock or evidence of debt or duty, and re-invest the proceeds in the same, or any other of the aforesaid securities and stocks.

Stockholders to choose fifteen directors on the second Monday in December, in each year, who shall choose a president.—Stockholders entitled to a vote for every three shares, but not more than fifteen votes.—Neglect to choose

directors not to dissolve the corporation, but they may be chosen within thirty days after the stated time, &c.

General meetings of stockholders, first Monday in December, but special meetings may be called by owners of one thousand shares, at which meetings they may make rules, fix compensations and require information from the officers of the company. A director to be a resident citizen, and a holder of ten shares in his own right. Directors to appoint all subordinate officers, &c.—may make marine insurances—insurances upon the inland transportation of goods, &c.—against fire, in town or country—upon a life or lives, by way of tontine, or otherwise, and may lend money on bottomry, respondentia, &c.—may insure with members of the company as with others. All policies, &c. to be subscribed by the president, as president of "The Delaware Insurance Company of Philadelphia," and all losses to be adjusted by the president and directors.

Directors to form committees of at least two, who shall attend in weekly rotation, and with the president, transact the current business, &c.

The board of directors to hold stated meetings once in two weeks, and occasional meetings when summoned by the president.

Dividends to be declared on the first Mondays in June and December, in each year, but premiums on undetermined risques not to be computed as part of the profits, but if capital stock be diminished by losses, no dividend to be made until the amount shall be replaced and added to the capital, and the president and directors consenting to such dividend, to account for, and pay to the company the amount thereof.

The act limited to January 1st, 1815, &c. (*Note to former edition.*)

CHAPTER MMCCCCXLVIII.

An ACT to enable and enforce the owners and possessors of a certain tract of marsh meadow, situate partly in the township of Lower Chichester, and the township of Chester, in the county of Delaware, adjoining the river Delaware, to keep the banks, dams, sluices and flood-gates in repair, and for other purposes. (k)

Passed 19th March, 1804.—Private Act.—Recorded in Law Book No. IX. page 467.

(*k*) The owners and possessors, &c. surer—have power to assess money for formed into a company to be called "The Lower Chichester Meadow Company," former edition.) to choose three managers and a trea-

1804.

CHAPTER MMCCCL.

An ACT to erect a new election district in the county of Franklin.

An election district erected and place of elections.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the township of Fannet, in the county of Franklin, shall be an election district, and the electors thereof shall hold their general elections at the school-house on the land of John Holliday and James Wallace, in Fannet township aforesaid.

Passed 19th March, 1804.—Recorded in Law Book No. IX. page 474.

CHAPTER MMCCCLII.

An ACT enjoining certain duties on the Surveyor-General.

WHEREAS, it is frequently necessary, on the trial of ejectments within this commonwealth, to ascertain the time of the return of any survey or surveys into the Surveyor-General's office, by his deputies, and which, in many cases, can only be known by entries of the time of such returns in the books of accounts kept by the said Surveyor-General, in which the said deputies are charged with certain fees due to the Surveyor-General on such returns; which said book is preserved in the Surveyor-General's office; but it having been decided by the Judges of the Supreme Court, on the circuit, that the said book not being a public record, the Surveyor-General cannot issue an official certificate under his seal of office, of an entry therein, which can be admitted as legal evidence in a court of justice: And whereas the citizens of this commonwealth, are greatly interested in the preservation of the said book of entries, and the evidence which may be derived therefrom; it becomes expedient to provide by law a mode by which extracts from the said book may be made legal evidence: Therefore,

A certificate of entries in the books of accounts of the Surveyor-General, under the seal of office, to be held legal evidence.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the Surveyor-General shall be, and he is hereby authorized to issue certificates of any entry or entries in the books of accounts heretofore kept by the Surveyor-General, containing entries of the time of bringing into his office any survey or surveys made by his deputies, or any of them, and the charges therein made against them or either of them, as acceptance fees, for the same, under the seal of his office, and to receive the usual fees for any such certificate, for which he shall account to the commonwealth: and the certificate so issued shall be deemed and admitted as legal evidence in any court within this commonwealth, any law or custom to the contrary thereof notwithstanding.

Passed 19th March, 1804.—Recorded in Law Book No. IX. page 474.

CHAPTER MMCCCCLVIII.

1804.

An ACT to enable the Governor of this commonwealth to incorporate a company to make an artificial road from the Susquehanna river, at or near Wright's ferry, to the borough of York.

SECT. 1. [COMMISSIONERS appointed to open books and receive subscriptions. Form of subscription. Notice to be given of the times and places of subscription. Who may subscribe, and for what time the books shall be kept open. The commissioners may adjourn from time to time, until three hundred and fifty shares are subscribed, &c. Subscribers to pay a deposit of ten dollars for each share subscribed. 2. When the whole number of shares are subscribed, commissioners to certify the same to the Governor; who shall thereupon incorporate the subscribers, by the name of "The Susquehanna and York Borough Turnpike Company," with the usual corporate powers. 3. The commissioners to notify the subscribers to meet for the purpose of organizing the corporation. Officers to be chosen. And the number of votes limited. 4. The times of annual meetings of the company, to be on the second Monday in March; and special meetings on summons of the managers, according to the regulations of their by-laws. 5. Certificates of shares to be issued; which shall be transferable. 6. Meetings of the president and managers, and proceedings at such meetings prescribed. 7. Penalty on stockholders neglecting to pay their proportions of the capital stock. 8. The president, &c. may enter lands, &c. through which the road may pass, to examine the ground, &c. and to survey the route or track of the road, and 9. May enter lands, &c. to take materials; first giving notice, and making amends for any damages done, by agreement or by arbitration, if the parties cannot agree. 10. How the amount of damage done to persons through whose lands the road may pass is to be ascertained by viewers, appointed by York County Court. 11. The president and managers to lay out a road, &c. and for ever hereafter keep the same in repair. 12. Mode of proceeding to obtain license to erect turnpike gates, and collect tolls; but no toll to be demanded from any person passing or repassing from one part of his or her farm to another;* or from persons attending funerals, or places of worship. 13. The company being licensed, may appoint toll-gatherers. Rates of toll prescribed, and penalty on persons attempting to defraud the company of its tolls; and on toll-gatherers demanding and receiving greater tolls than they are authorized to demand. 14. Description and burthen of waggons and other carriages permitted to travel within specified seasons of the year. Proviso that the foregoing regulations may be altered by by-laws of the company. 15. In charging tolls, two oxen to be estimated as one horse, and every mule as one horse.]

[* See note to chap. 2673, post.]

SECT. XVI. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good and perfect order for the space of five days, and information thereof shall be given to any Justice of the Peace of the county, such justice shall issue a precept, to be directed to any constable, commanding him to summon three disinterested persons, to meet at a

Proceedings in case the company neglect to keep the road in good repair.

1804. certain time in the said precept to be mentioned, at the place in the said road which shall be complained of; of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, within the said county; and the said Justice shall, at such time and place, on the oaths or affirmations of the said persons, enquire whether the said road or any part thereof is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made, under the hands of himself, and a majority of the said persons; and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said Justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be; and from thenceforth the tolls hereby granted, to be collected at such turnpikes or gates, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid; and if the same shall not be so put in good and perfect order and repair, before the next General Court of Quarter Sessions of the Peace, to be held for the county in which the defect is proved to be, the aforesaid Justice shall certify and send a copy of the inquisition aforesaid to the Justices of the said court, and the said Justices shall thereupon cause process to issue and bring in the body or bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed thereon as in cases of the supervisors of the highways for neglect of their duty; and if the person or persons entrusted by the said company as aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall give judgment according to the nature and aggravation of the neglect, as according to right and justice would be proper, in the case of supervisors of the highways neglecting their duties; and the fines and penalties so to be imposed, shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to repairing the public roads within such township.

Penalty on persons attempting to evade the payment of the toll.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That if any person or persons whosoever, owning, riding in, or driving any sulkey, chair or chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, or leading any horse, mare or gelding, or driving any hogs, sheep or other cattle, shall therewith pass through any private gates or bars, or along or over any private passage way, or other ground, near to or adjoining any turnpike, or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company and avoid the payment of the toll or duty for passing through any such gate or turnpike; or if any person or persons shall, with such intent, take off or cause to be taken off, any horse, mare or gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, or practise any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all

1804.

and every person or persons, in all or every or any of the ways or manners aforesaid offending, shall, for every such offence, respectively, forfeit and pay to the president, managers and company of the Susquehanna and York borough turnpike road, any sum not exceeding ten dollars, to be sued for and recovered, with costs of suit, before any Justice of the Peace, in like manner and subject to the same rules and regulations as debts of a similar amount may be sued for and recovered: *Provided always*, That if any person or persons shall be prosecuted under this section of the act, and the said prosecution shall not be sustained on the part of the prosecutors, then and in such case the person or persons prosecuted as aforesaid, shall receive from the company the sum of ten dollars, in lieu of damages arising from delay, and a vexatious prosecution, recoverable as other fines under this act.

Proviso in case a prosecution under this section of the act is not sustained by the prosecutor.

SECT. 18. [The president and managers to keep the company accounts of subscriptions, &c. And submit the same to a general meeting of the stockholders, and if the capital stock is found insufficient to complete the road, it may be enlarged. 19. The president and managers to keep an account of the tolls, and declare dividends on the profits, and 20. To lay an abstract of the accounts before the Legislature, &c. in order to ascertain the clear income; if the profits do not amount to six per cent. the tolls may be increased. All the profits beyond nine per cent. to be applied in extinguishing the tolls. 21. Posts of direction to be erected.]

SECT. XXII. *And be it further enacted by the authority aforesaid*, That the said company shall cause mile-stones to be placed on the side of the said road, beginning at the distance of one mile from the river Susquehanna, and extending thence to the termination of the turnpike aforesaid, whereon shall be marked, in plain legible characters, the respective number of miles which each stone is distant from Philadelphia, Susquehanna and York; and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from York, and the distance from the nearest gates or turnpikes, in each direction, to be marked in legible characters, designating the number of miles and fractions of a mile on the said gates or some other conspicuous place, for the information of travellers and others using the said road; and if any person shall wilfully destroy the said posts, boards, index-hands or mile-stones, or deface the same, or deface the directions made on the said gates, or other conspicuous places as aforesaid, or shall without permission of the acting superintendant of the said road, throw out upon the said road, or within the limits of the same, and suffer to remain, for the space of one day, any mould, dirt, shavings weeds, or rubbish of any kind, such person, being convicted thereof by the evidence of one or more creditable witness or witnesses, before any Justice of the Peace of the county, he or she shall be adjudged by the said Justice to pay a fine not exceeding three dollars, to be recovered with costs, as debts of equal amount are or may be by law recoverable; which fine, when recovered, shall be paid by the said Justice to the treasurer of the said company for the use of said company.

Mile-stones to be placed on the side of the road.

Penalty on persons destroying or defacing mile-stones, index-hands, &c.

SECT. XXIII. *And be it further enacted by the authority aforesaid*, That all waggoners and drivers of carriages of all kinds, whether

Drivers to keep the right hand

1804.

side of the road in the passing direction.

Penalty for offending against this provision.

of burden or pleasure, using the said road, shall, except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road in the passing direction, leaving the other side of the road free and clear for other carriages to pass and repass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be obstructed in his passage, and will sue for the same, to be recovered with costs before any Justice, in the same manner as debts of equal amount are or may be by law recovered.

SECT. 24. [If the road be not begun in three or finished in seven years, the rights of the company under this act to cease. 25. The right of purchasing the road reserved to the state.]

Passed 19th March, 1804.—Recorded in Law Book No. IX. page 480. (1)

(1) Fifty shares subscribed by the state to this road, by act of 21st March, 1808, (chap. 2930.)

CHAPTER MMCCCCLX.

An ACT to regulate the administering of certain oaths.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* when either branch of the legislature shall have made choice of a speaker, the oaths or affirmations prescribed in the constitution of this commonwealth, and the constitution of the United States, shall be administered to the speaker elect, by a member appointed for that purpose, by a majority of the members present, and the speaker so sworn or affirmed, shall administer the oaths or affirmations to the members elect and officers respectively.

A member appointed for the purpose to administer the oaths of office to the speaker elect.

The Speaker to administer the same to the members.

The Senate when sitting to try an impeachment to appoint a member to swear the speaker.

The speaker to administer the oaths, &c. to the members, witnesses, &c. Chairman of committees to possess like powers.

Either speaker to administer the necessary oaths to the Governor.

SECT. II. *And be it further enacted by the authority aforesaid, That* when the senate shall sit for the purpose of trying any impeachment, the speaker shall be sworn or affirmed by a member selected by the senate for that purpose, by a majority of the members present. The speaker so qualified shall then administer the oath or affirmation to the members respectively, and the speaker of each house is hereby empowered to administer oaths or affirmations to witnesses or other persons whom it may be necessary to examine before the house whereof he is speaker; and the chairman of every committee shall have like powers in examinations before committees.

SECT. III. *And be it further enacted by the authority aforesaid, That* when the Governor elect is to be sworn into office, the necessary oaths or affirmations shall be administered to him by the speaker of the senate, or by the speaker of the house of representatives.

Passed 19th March, 1804.—Recorded in Law Book No. IX. page 496.

CHAPTER MMCCCCLXI.

1804.

An ACT for the relief of Peter Keplinger.

Passed 19th March, 1804.—Recorded in Law Book No. IX. page 496.

An annuity of 50 dollars during life, payable half yearly, granted to Peter Keplinger.

CHAPTER MMCCCCLXII.

An ACT to authorize the Select and Common Councils of the city of Philadelphia to erect market-houses in the said city.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the first day of November next, it shall and may be lawful for the select and common councils of the city of Philadelphia, to cause a market-house or market-houses to be erected, at such place or places within the said city, as to them may appear most conducive to the interest and convenience of the citizens thereof, and others who may have occasion to use the same, and to make such regulations for the well government of the said market as to them shall appear useful and necessary, and not inconsistent with the existing laws of this commonwealth: *Provided, That* one half of the buildings so erected, shall be and remain free for the use of the country people attending the said market, and that no fees, tolls or perquisites, shall be demanded or exacted from them for the use thereof.

The Select and Common Councils authorized to cause to be erected new market-houses, &c.

Passed 19th March, 1804.—Recorded in Law Book No. IX. page 497.

CHAPTER MMCCCCLXIII.

An ACT to enable the Governor of this commonwealth to incorporate a company for making an artificial road, by the best and nearest route, from the north-eastern branch of the Susquehanna river, between the Lower Whopewawly and Nescopeck creeks, in Luzerne county, to the north side of Nesquehoning creek, near its entrance into the river Lehigh.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions. When subscriptions shall be received. Public notice to be given of the time. The manner of receiving them, and payment on subscribing. 2. The Governor to grant letters patent. The company to be incorporated by the name of "The President, Managers and Company of the Susquehanna and Lehigh turnpike road," with the usual corporate powers. 3. Having obtained letters patent, public notice to be given for a meeting of the subscribers, to organize the corporation. No person to have more than five votes. Future annual elections to be held with such notice, &c. as the managers shall direct. 4. Annual elections of officers to be on the

1804. first Monday in January, and special elections upon summons, &c. Power of altering by-laws, &c. 5. Certificates of stock to be delivered to subscribers, which shall be transferable. 6. President and managers to meet as shall be agreed on, for transacting business; seven members to form a quorum, and their powers and duties prescribed. 7. Penalty in case of neglect in paying instalments. No stockholder entitled to vote unless the sums due on his share or shares are paid. 8. The managers empowered to enter on lands through or near which the road may pass, and to survey and lay out the road. 9. Managers, &c. empowered to enter lands, &c. to take materials. First giving notice, and making amends for damages. In case of disagreement as to damage, how to be settled by referees. 10. To erect bridges over Nesquehoning creek. Length and width of the road prescribed, and manner of its construction. No toll to be taken from persons passing, or repassing from one part of his or her farm to another,* or to or from funerals or places of public worship. 11. When parts of the road are completed the Governor to appoint persons to view the same. And on their report to grant license to receive toll. 12. The company to appoint toll-gatherers, and the rates of toll prescribed.]

[* See note to chap. 2673, post.]

Penalty on defrauding the company, or evading the payment of tolls.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That if any person or persons owning, riding in or driving any carriage of burthen or pleasure as aforesaid, or owning, riding, leading or driving any horse, or mule, or driving any hogs, sheep or cattle as aforesaid, shall, with an intent to defraud the said company, or to evade the payment of any of the tolls or duties aforesaid, pass therewith through any private gate or bar, or along or over any private passage, way, or along or over any other ground, or land, near to or adjoining any turnpike or gate, which shall be erected in pursuance of this act; or if any person or persons shall, with the intent aforesaid, take off, or cause to be taken off, any horse or other beast or cattle, of draught or burthen, from any carriage of burthen or pleasure, or shall practise any other fraudulent means or device, with the intent to evade or lessen the payment of any such toll or duty, all and every such person or persons offending in manner aforesaid, shall, for every such offence respectively, forfeit and pay to the president, managers and company of the Susquehanna and Lehigh turnpike road, the sum of fifteen dollars, to be sued for and recovered with costs of suit before any Justice of the Peace, in like manner and subject to the same rules and regulations as debts of equal amount are or may be by law recoverable.

In case of neglect to keep the road in repair, receipt of toll to be suspended.

Proceedings in such case.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good and perfect order and repair, for the space of fifteen days, and information thereof shall be given to any Justice of the Peace of the proper county, such Justice shall issue a precept, to be directed to any constable, commanding him to summon three judicious freeholders, to meet at a certain time in the said precept to be mentioned, at the place in the said road which is complained of; of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said Justice shall, at such time and place, by the oaths or affirmations of the said freeholders, enquire whether the

said road, or any part thereof, is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made, under the hands and seals of himself and a majority of the said freeholders; and if the said road shall be found by the said inquisition to be out of order and repair, according to the true intent and meaning of this act, he shall so certify, and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, for the intermediate distance between them, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put into good and perfect order and repair as aforesaid; and if any of the keepers of the gates aforesaid shall take or attempt to exact tolls for the intermediate distance between the gates aforesaid, from any traveller, during the time the road shall continue out of repair, such keeper shall forfeit and pay to the person who shall prosecute for the same, the sum of five dollars, to be recovered before any Justice of the Peace, as debts of equal amount are or may be by law recoverable; but if the same road shall not be put into good and perfect order and repair, before the next ensuing Court of Quarter-Sessions of the proper county, the said Justice shall certify and send a copy of the said inquisition to the Justices of the said court; and the said court shall thereupon cause process to issue, and bring in the bodies of the person or persons entrusted by the company with the care and the superintendence of such part of the said road as shall be found defective as aforesaid, and shall direct a bill of indictment to be sent to the grand inquest, against the person or persons entrusted as aforesaid, and upon conviction shall give such judgment, according to the nature and aggravation of the neglect, as the said court in their discretion shall judge proper: *Provided*, The fine in no instance shall be less than twenty dollars, nor exceeding one hundred dollars, and the fine so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said county, and shall be paid to the supervisors of the highways of the place wherein the offence was committed, to be applied to repairing such highways as the township or county is bound to repair at the public expense thereof.

SECT. 15. [Accounts of the transactions of the company to be kept. To be laid before the stockholders annually until the road be completed. In case the capital stock be not sufficient to complete the road, the number of shares may be increased.] 16. An account of monies received for tolls to be kept, and of the time and manner of making dividends. 17. The managers to lay before the legislature triennially an abstract of the accounts of the company; and in case the profits do not bear a dividend of six per cent. on the stock, the toll may be encreased, but not exceeding nine per cent. 18. Of direction-posts and mile-stones; and the rates of toll to be affixed on turnpike gates.]

SECT. XIX. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully break, deface, pull up or prostrate any mile-stone which shall be placed, in pursuance of this act, on the side of the said road, or shall obliterate the let-

Penalty for wilfully pulling down, defacing or injuring any miles-stones.

1804.

direction-
posts, &c.

ters or figures inscribed thereon, or shall wilfully break, pull down, deface, destroy or injure any direction-post, which shall be erected in pursuance of this act, at the intersection of any road as aforesaid, or the board or index-hand affixed thereto, in conformity with the directions of this act, or shall obliterate the letters or figures inscribed or marked thereon, or destroy, deface or obliterate the letters, figures or other characters marked at any turnpike or gate, which shall be erected in pursuance of this act, for all or any of the purposes therein mentioned, or the whole or any part of any printed list of the rates of tolls, which shall be affixed in pursuance of the directions of this act, at any such gate or turnpike, he or they so offending in the premises, shall, and each of them shall, for every such offence, severally and respectively forfeit and pay to the said president, managers and company, the sum of twenty dollars, to be sued for and recovered with costs of suit, before any Justice of the Peace, in manner aforesaid.

Penalty in
case waggon-
ers, carters,
drivers, &c.
do not keep
the right
hand side of
the road in
the passing
direction.

SECT. XX. *And be it further enacted by the authority aforesaid,* That all waggoners, carters and drivers, of carriages of all kinds, whether of burthen or pleasure, using the said road, shall, except when overtaking and passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road in the passing direction, leaving the other side of the said road free and clear for other carriages to pass and repass; and if any waggoner, carter or driver, shall offend against this provision, he shall forfeit and pay any sum not exceeding six dollars, to any person who shall, by reason thereof, be obstructed in his passage, and will sue for the same, before any Justice of the Peace, to be recovered with costs in like manner aforesaid.

Penalty for
receiving
greater tolls
than allowed
by this act.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That if any toll-gatherer on the said road shall demand from any person or persons using the said road, any greater rate of toll than by this act is authorized and allowed, such toll-gatherer, shall forfeit and pay the sum of twenty dollars for every such offence, one half to the use of the supervisors of the roads or highways of the township in which the forfeiture shall be incurred, and the other half to the use of the person suing for the same, to be recovered before any Justice of the Peace of the county where such offence shall have been committed.

When a suit
is commence-
d and not
sustained,
remedy for
the vexation.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That if in the case of any suit or prosecution which shall be commenced under the directions of this act, for any penalty incurred under the same, whether by or against the said company, their servants or assignees, the said suit or prosecution shall not be sustained by the plaintiff or prosecutor, then and in such case the person or persons prosecuted as aforesaid, shall recover by the judgment of the Justice before whom such suit or prosecution shall be depending, or by action before the Court of the Common Pleas of the proper county (if such prosecution had been instituted before the Court of General Quarter Sessions of the Peace) such sum not exceeding the amount of the penalty for which the suit or prosecution shall be commenced, as shall be deemed a reasonable retribution for the vexation of such suit or prosecution.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* 1804.
That no suit or action shall be brought or prosecuted by any person or persons for any penalties incurred under this act, unless such suit or action shall be commenced within six months next after the fact committed, and the defendant or defendants in such suit or action, may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by the authority of this act.

Time within which penalties incurred under this act are to be sued for.

SECT. 24. [In case there be no proceeding under this act for three years, the Legislature may rescind it. **25.** A right reserved to the state after the year one thousand eight hundred and thirty, to purchase the road.] (*m*)

Passed 19th March, 1804.—Recorded in Law Book No. IX. page 498.

(*m*) By an act passed March 17th, 1806, (chap. 2667,) the company is authorized to extend the road, and to construct a branch therefrom. One hundred shares of the stock of this company subscribed by the state, by act of 21st March, 1808, (chap. 2930.)

CHAPTER MMCCCCLXV.

An ACT to incorporate the Philadelphia Insurance Company. (*n*)

Passed 26th March, 1804.—Recorded in Law Book No. IX. page 513.

(*n*) An association of citizens formed for the purposes of effecting Insurances, &c. incorporated by the name of "The Philadelphia Insurance Company." The estate real and personal of the association vested in the corporation and the latter made liable to the debts, &c. of the former.

The capital stock to be four hundred thousand dollars divided into four thousand shares of one hundred dollars each: on failure of paying the instalments for twenty days after due, the share, with all money previously paid, forfeited to the company.

Thirteen directors, each of whom shall hold ten shares, to be chosen on the first Monday in January in each year, who are to choose a president out of their own body. Corporation not to be dissolved by not holding an election, but may hold such election on any other day, as may be regulated by the by-laws, &c. Directors to appoint all subordinate officers and fix their compensations; to hold stated and occasional meetings, &c. President may make all kinds of marine insurances on the inland transportation of goods, &c. lend money on bottomry and respondentia, &c. may vest the capital in the public debt of the United States, bank stock, or stock of any other company, now or

hereafter to be incorporated by this state, or the United States, or in bonds secured by mortgages or sufficient real estate; and from time to time call in, and re-invest such monies.—Dividends to be declared on the first Monday of June and December in each year, but premiums on undetermined risques not to be considered as profits, and in case of diminution of capital by losses, no dividends to be made, till a sum equal to such diminution be added to the capital, and president and directors consenting to such dividend to account for and pay the amount thereof to the company.

Stock to be transferable, but no stockholder indebted to the company shall transfer or receive a dividend, till debt paid or secured. Directors to lay a statement of affairs before the stockholders annually on the second Monday in December.

Stockholders owning one thousand shares may at any time call a general meeting, giving two weeks notice, &c. Stockholders entitled to one vote for every three shares, but not to more than twenty votes, and may vote in person or by proxy. Company may underwrite for its own members. Limitation of the act to January 1st, 1815, &c. (*Note to former edition.*)

1804.

CHAPTER MMCCCLXVI.

An ACT to erect parts of Lycoming, Huntingdon and Somerset counties into separate county districts.

Boundaries
of Jefferson
county.

Of fixing the
seat of jus-
tice therein.

Boundaries
of M'Kean
county.

Of fixing the
seat of jus-
tice therein.

The bounda-
ries of Clear-
field county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* part of the county of Lycoming, included within the following lines, *to wit:* Beginning at the north-east corner of Venango county, and thence east thirty miles (part along the line of Warren county) and thence by a due south line fifteen miles, thence a south-westerly course to Sandy-lick creek, where Hunter's district line crosses said creek; thence south along Hunter's district line to a point twelve miles north of the canoe place, on the west branch of Susquehanna; thence a due west line until it intersects the eastern boundary of Armstrong county; thence north along the line of Armstrong and Venango counties, to the place of beginning, be, and the same is hereby erected into a separate county, to be henceforth called Jefferson county, and the place of holding the courts of justice shall be fixed by the Legislature at any place at a distance not greater than seven miles from the centre of the said county, which may be most beneficial and convenient for the said county.

SECT. II. *And be it further enacted by the authority aforesaid, That* so much of the county of Lycoming, included in the following boundaries, *to wit:* Beginning at the south-east corner of Warren county; thence east along the line of Jefferson county to the north-east corner thereof; thence south along the line of Jefferson county fifteen miles; thence east twenty-two miles; thence north to the state line; thence west along the said state line to the north-east corner of Warren county; thence south along the line of Warren county to the place of beginning, be, and the same is hereby erected into a separate county, to be henceforth called M'Kean county, and the place of holding the courts of justice in and for the county, shall be fixed by the Legislature at a distance not greater than seven miles from the centre of said county, which may be most beneficial and convenient for the said county.

SECT. III. *And be it further enacted by the authority aforesaid, That* so much of the county of Lycoming, included in the following boundaries, *to wit:* Beginning where the line dividing Cannon's and Brodhead's district strikes the west branch of Susquehanna river; thence north along the said district line until a due west course from thence will strike the south-east corner of M'Kean county; thence west along the southern boundary of M'Kean county to the line of Jefferson county; thence south-westerly along the line of Jefferson county, to where Hunter's district line crosses Sandy-lick creek; thence south along the district line to the canoe place on Susquehanna river; thence an easterly course to the south-westerly corner of Centre county, on the heads of Mushanon creek; thence down the Mushanon creek the several courses thereof to its mouth; thence down the west branch of Susquehanna river to the place of beginning, be, and the same is hereby erected into a separate county, to be henceforth called Clearfield county, and the place

of holding the courts of justice in and for said county, shall be fixed by the Legislature at any place which may be most beneficial and convenient for the said county. 1804.

How the seat of justice therein is to be fixed.

Boundaries of Potter county.

SECT. IV. *And be it further enacted by the authority aforesaid,* That so much of the county of **Lycoming**, included in the following boundaries, *to wit:* Beginning five miles north of the south-east corner of **M'Kean** county, thence east thirty miles to **Brodhead's** easterly district line; thence north along said district line to the state line; thence west along the state line to the north-east corner of **M'Kean** county; thence south along the line of **M'Kean** county to the place of beginning, be, and the same is hereby erected into a separate county, to be henceforth called **Potter** county, and the place of holding the courts of justice in and for said county shall be fixed by the Legislature at any place at a distance not greater than seven miles from the centre of the said county, which may be most beneficial and convenient for the said county.

How the seat of justice therein is to be fixed.

Boundaries of Potter county.

SECT. V. *And be it further enacted by the authority aforesaid,* That so much of the county of **Lycoming**, included in the following boundaries, *to wit:* Beginning five miles north of the south-east corner of number four, on **Brodhead's** district line on the eastern boundary of said number four; thence due east until it strikes the main branch of **Lycoming** creek; thence up the said creek to the head thereof, near the **Towandy** beaver dams; thence to the head of said beaver dams, or until it intersects the boundary line between **Luzerne** and **Lycoming** counties; thence a straight line to the eighty mile stone on the state line; thence west along the state line to the north-east corner of **Potter** county; thence south along the line of the same to the place of beginning, be, and the same is hereby erected into a separate county, to be henceforth called **Tioga** county, and the place of holding courts of justice in and for said county, shall be fixed by the legislature at any Place at a distance not greater than seven miles from the centre of the county, which may be most beneficial and convenient for said county.

Of establishing the seat of justice therein.

Boundaries of Cambria county.

SECT. VI. *And be it further enacted by the authority aforesaid,* That so much of the counties of **Huntingdon** and **Somerset**, included in the following boundaries, *to wit:* Beginning at the **Cone-maugh** river, at the south-east corner of **Indiana** county; thence a straight line to the canoe place on the west branch of **Susquehanna**; thence easterly along the line of **Clearfield** county to the south-west corner of **Centre** county, on the heads of **Mushanon** creek; thence southerly along the **Allegheny** mountain to **Somerset** and **Bedford** county lines; thence along the line of **Somerset** and **Bedford** counties about seventeen miles, until a due west course from thence will strike the main branch of **Paint** creek; thence down said creek the different courses thereof, till it empties into **Stony** creek; thence down **Stony** creek the different courses to the mouth of **Mill** creek; thence a due west line till it intersects the line of **Somerset** and **Westmoreland** counties; thence northerly along the said line to the place of beginning, be and the same is hereby erected into a separate county, to be henceforth called **Cambria** county; and the place of holding the courts of justice for said county shall be fixed by the legislature at any place not at a greater distance than seven miles

How the seat of justice therein is to be established.

1804. from the centre of said county, which may be most beneficial and convenient for said county.

The Governor or to appoint commissioners to run the county lines.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the Governor shall, as soon as convenient, appoint three commissioners to run and mark the boundary lines of the counties of Jefferson, Clearfield and Cambria, and shall appoint three other commissioners to run and mark the boundary lines of the counties of M'Kean, Potter and Tioga, according to the true intent and meaning of this act; and the said commissioners, or any two of them, shall have power to run the aforesaid lines, and shall have for their services the sum of two dollars for every mile so run and marked, to be paid out of the treasury of this commonwealth.

When said counties are to be organized.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That as soon as it shall appear by an enumeration of the taxable inhabitants within the counties of Jefferson, M'Kean, Clearfield, Potter, Tioga, and Cambria, that any of the said counties according to the ratio which shall then be established for apportioning the representation among the several counties of this commonwealth, shall be entitled to a separate representation, provision shall be made by law for apportioning the said representation, and enabling such county to be represented separately, and to hold the courts of justice at such place in the said county as is or may hereafter be fixed for holding the same by the legislature, and to choose their county officers, in like manner as in the other counties of this commonwealth.

The Governor or to appoint three trustees in each of said counties.

Their duties.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the Governor be, and he is hereby authorized and required to appoint three suitable persons for trustees, in each of the said counties, who shall receive proposals in writing from any person or persons, or any bodies corporate or politic, for the grant or conveyance of any lands within the said counties, respectively, and within the limits prescribed by this act for fixing the place of holding courts of justice in said counties respectively, or the transfer of any other property, or payment of money for the use of said counties, and transmit to the legislature from time to time a copy of the proposals so received, under their hands; and when the place of holding courts of justice in the said counties respectively, shall be fixed by the legislature; to take assurances in the law, for the lands and other valuable property, or money contained in any such proposals, which shall or may be accepted of.

If any of the boundary lines shall have been heretofore established, they are not again to be run.

SECT. X. *And be it further enacted by the authority aforesaid,* That whenever any part of the boundary lines of any of the said counties shall be the boundary lines of the state, or of any counties heretofore known and established, such parts shall not be run by any of the commissioners appointed in pursuance of this act; and when any line shall be run and ascertained, and marked by any of the commissioners, which shall be the dividing line between two counties, the said line shall not be run a second time; but the commissioners who shall first attend and perform the said service shall be entitled to the compensation therefor.

The counties of Clearfield and M'Kean, for the present, annex-

SECT. XI. *And be it further enacted by the authority aforesaid,* That for the present convenience of the inhabitants of said counties of Clearfield and M'Kean, and until an enumeration of the taxable

inhabitants of said county shall be made, and it shall be otherwise directed by law, the said counties of Clearfield and McKean shall be, and the same are hereby annexed to the county of Centre, and the jurisdiction of the several courts of the county of Centre, and the authority of the judges thereof shall extend over, and shall operate and be effectual within said counties of Clearfield and McKean.

1804.

ed to Centre
county.

SECT. XII. *And be it further enacted by the authority aforesaid,* That for the present convenience of the inhabitants of the said counties of Potter and Tioga, and until an enumeration of the taxable inhabitants of the said counties shall be made, and it shall be otherwise directed by law, the said counties of Potter and Tioga shall be, and the same are hereby annexed to the county of Lycoming, and the jurisdiction of the several courts of the county of Lycoming, and the authority of the Judges thereof shall extend over, and shall operate and be effectual within the said counties of Potter and Tioga.

Potter and
Tioga to Ly-
coming coun-
ty.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That for the present convenience of the inhabitants of the county of Jefferson, and until an enumeration of the taxable inhabitants of said county shall be made, and it shall be otherwise directed by law, the said county of Jefferson shall be, and the same is hereby annexed to the county of Westmoreland, and the jurisdiction of the several courts of the county of Westmoreland, and the authority of the Judges thereof, shall extend over and shall operate and be effectual within the said county of Jefferson.

Jefferson to
Westmore-
land county.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That for the present convenience of the inhabitants of the county of Cambria, and until an enumeration of the taxable inhabitants of the said county shall be made, and until it shall be otherwise directed by law, the said county of Cambria shall be and the same is hereby annexed to the county of Somerset, and the jurisdiction of the several courts of the county of Somerset, and the authority of the Judges thereof shall extend over, and shall operate and be effectual within the said county of Cambria.

Cambria to
Somerset
county.

SECT. XV. *And be it further enacted by the authority aforesaid,* That the electors within the counties erected by this act, shall continue to elect at the same places and with the same counties as heretofore. (o)

Places of
election.

Passed 26th March, 1804.—Recorded in Law Book No. IX. page 518.

(o) By an act passed 3d February, 1806, (chap. 2629,) the powers of the commissioners and county officers of the Lycoming county are extended to the county districts of Potter and Tioga, and of the commissioners, &c. of Westmoreland, to the county district of Jefferson; and of the commissioners of Somerset, to the county district of Cambria; and it is made the duty of the commissioners, &c. of Lycoming, Somerset and Westmoreland, to keep distinct accounts of the monies collected from each of the aforesaid districts, &c. and the recorder of deeds of Lycoming, is required to provide a separate book for recording the deeds of lands within the county districts of Tioga and Potter;—of West-

moreland, for the county district of Jefferson; and — of Somerset, for the county district of Cambria; and shall deliver said books to the recorders of those counties, respectively, when such recorders shall be appointed, and apply for the same.

1. JEFFERSON COUNTY.

Jefferson county erected into one election district, by act of 31st March, 1806, (chap. 2715, § 9.)

Annexed to Indiana for judicial purposes by act of 10th March, 1806, (chap. 2653, § 9.)

2. M'KEAN COUNTY.

By act of 14th March, 1805, (chap. 2556, the power and authority of the commissioners and county officers of

1804. Centre county are extended to the county district of *M'Kean*; and the commissioners and treasurer of *Centre* county are directed to keep a distinct account of the monies levied and collected in the said district, and apply the same to the use thereof, &c. and the recorder of deeds of *Centre* county shall provide a separate book for lands lying within *M'Kean* county, and deliver the same to the recorder thereof, when he shall be appointed.

By act of 25th March, 1805, (chap. 2558,) the Justices of the Peace of *Centre* county are declared not to have jurisdiction, in cases of debts or demands, within the county district of *M'Kean*.

By act of 4th March, 1807, (chap. 2749,) the seat of justice for *M'Kean* county, is established at *Smeth's-port*; and the trustees of said county are to receive from *John Keating* conveyances in fee-simple, for one moiety of the town lots for the use of the said county; also for one hundred and fifty acres of land, to be appropriated to the use of an academy or public school; and to demand and receive from said *Keating* five hundred dollars, for erecting a building for the use of said school. The deeds to be recorded in the recorder's office of *Centre* county.—The trustees are authorized to sell and convey the said lots to purchasers; and the monies arising therefrom to be held for the use of the county.—And within six months after the organization of the county, the trustees are directed to surrender the trusts in them vested to the commissioners of the county, and settle their accounts, &c. A return of the survey of the town and school lands to be filed in the recorder's office of *Centre* or *M'Kean* counties.

Boundary line of *M'Kean*, to be completed by *George Ross*, by act of 13th April, 1807, (chap. 2864.)

3. CLEARFIELD COUNTY.

See the acts of 14th March and 25th March, 1805, abstracted under *M'Kean* county, the provisions of which equally extend to the county district of *Clearfield*.

Commissioners were appointed to fix the seat of justice for *Clearfield* county, by act of 4th April, 1805, (chap. 2598,) and the same has been established on lands of *Abraham Witmer*, at *Chingelamouche*, and a town is laid out and called *Clearfield*.

The county of *Clearfield* made an election district, by act of 14th March, 1805, (chap. 2556, § 4.)

The townships of *Beccaria* and *Bradford*, and part of *Half-moon* township made an election district, by act of 28th March, 1808, (chap. 2972, § 27.)

4. POTTER COUNTY.

By act of 4th March, 1807, (chap. 2765,) the seat of justice for this county, is established at *Couders-port*, and the trustees thereof are to receive from *John Keating*, &c. deeds in fee-simple, for the use of the county, for two thirds of the town lots, &c. and for one hundred and fifty acres of land for the use of an academy, and also five hundred dollars for the use of said school. The deeds to be recorded in *Lycoming* county. The trustees are authorized to sell the lots and make deeds therefor, and reserve the monies for the use of the county. The trustees, within six months after the county shall be organized, shall surrender their trust to the commissioners of the county.—A survey of the town, &c. to be filed in the recorder's office of *Lycoming* county.

Boundary line to be completed by *G. Ross*, by act of 13th April, 1807, (chap. 2864.)

5. TIOGA COUNTY.

By act of 21st March, 1806, (chap. 2682,) the seat of Justice for this county is established at *Wellborough*, and the trustees of the county are authorized to survey a certain tract of land, to include the said town, and to enlarge the same, and lay out a lot for the public buildings to be erected upon, and to take a deed in fee simple, for one half of said tract and lots for the use of the county, and have it recorded in *Lycoming* county, to sell the town lots, and execute deeds therefor to the purchasers thereof, and reserve the proceeds thereof for the use of the county. The trustees within six months after the organization of the county to surrender their trust to the commissioners of the county, who shall complete the duties to be performed. The trustees to file a draught of their survey in the Recorder's Office of *Lycoming* or *Tioga* counties.

By an act passed 1st February, 1808, (chap. 2882.) Two trustees are appointed to fill certain vacancies; the governor to supply future vacancies. The trustees to appropriate part of the monies arising from the sales of lots, to open the streets and lanes of the town, and to clear the land of timber, and lease the same, and the county commissioners when elected to perform such of the duties as shall be unperformed.

County commissioners to be elected in October, 1808, with the same powers as the commissioners of other counties, when the powers of the commissioners of *Lycoming* county shall cease in the county of *Tioga*. [And the court of Quarter Sessions of *Lycoming* county

shall appoint auditors from time to time. Supplied.] The costs of laying out and opening roads, and of criminal prosecutions, and other incidental expenses, relative to Tioga, shall be paid by the treasurer of Tioga, on orders drawn by the commissioners of *Lycoming* county and countersigned by the commissioners of *Tioga* county, &c. The commissioners of *Tioga* county are empowered to call on the commissioners of *Lycoming* county, for any balances which may be found due, &c.

The boundary line to be completed by George Ross, by act of 13th April, 1807, (chap. 2864.)

Part of Delmar township, *Tioga* county, erected into a separate election district, by act of 20th March, 1810, (sect. 6.)

6. CAMBRIA COUNTY.

By act of 29th March, 1805, (chap. 2573,) the seat of Justice for this county is established at *Ebensburg*, and the trustees of the county are authorized to receive assurances for certain lots and lands for the use of the county, to dispose of the lots, &c. and erect the public buildings. After the county shall be organized, the trustees are directed to surrender their trusts to the commissioners of the county. The trustees to make such alteration in the plan of *Ebensburg* as shall appear necessary.

This county organized for judicial purposes, by act of 26th January, 1807, (chap. 2736.)

By act of 4th April, 1805, (chap. 2592,) the inhabitants of *Cambria* county shall elect with the inhabitants of *Somerset* county for members of the federal and state legislatures.

Part of *Cambria* county erected into a separate election district, by act of

11th of April, 1807, (chap. 2836, sect. 12.)

The township of *Cambria* to elect at *Ebensburg*, and the place of election in *Conemaugh* district changed, by act of 28th March, 1808, (chap. 2972, sect. 23-25.)

Conemaugh township erected into a separate district, by act of 4th April, 1809, (sect. 7.)

By the judiciary act of 24th Feb'y, 1806, *Somerset*, *Cambria*, *Indiana*, *Armstrong* and *Westmoreland*, form the tenth judicial district, and the courts to be held on the first Mondays in March, June, September and December; the term continues one week.

Cambria forms part of the Western district of the Supreme Court.

Lycoming, *Centre*, *Clearfield*, *M'Kean*, *Tioga* and *Potter*, having collectively four thousand five hundred taxables, send one member to the Senate.

Bedford, *Somerset* and *Cambria*, having collectively five thousand two hundred and six taxables, send one member to the Senate.

Westmoreland, *Armstrong*, *Indiana* and *Jefferson*, having collectively six thousand four hundred and thirteen taxables, send one member to the Senate.

Somerset and *Cambria* send two members to the House of Representatives.

Centre, *Clearfield* and *M'Kean* send one member to the House of Representatives.

According to the last enumeration, the taxables were as follow: In the counties of *Cambria*, 430, *Clearfield*, 163, *M'Kean*, 13.

But there is no return from the districts of *Jefferson*, *Potter* or *Tioga*.

CHAPTER MMCCCCLXVIII.

An ACT transferring the powers of the trustees of the county of *Adams* to the commissioners of said county, and authorizing them to levy a further sum for completing the public buildings therein. [See vol. 3. page 404.]

WHEREAS it has been represented, by petition to the Legislature of this commonwealth, that the trustees appointed under the act, entitled "A supplement to an act, entitled "An act erecting part of the county of *York* into a separate county," have proceeded according to the directions of said act, in purchasing lots and erecting thereon a court-house and prison, and having expended the monies which were appropriated by law for the aforesaid purposes; but not being sufficient to complete the same, have therefore prayed the Legislature to pass an act, transferring the powers of said

1804. trustees to the county commissioners, and authorizing them to assess and levy such further sum, not exceeding four thousand dollars, as in their opinion may be thought necessary to complete said buildings, and also to build a wall around the prison yard : Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the authority, powers and duties of the trustees of the county of Adams, shall cease, determine and end, and the commissioners of said county, or a majority of them, shall have power and authority, and are hereby authorized and directed, to complete the said court-house, prison and prison yard, to comply with the contracts heretofore legally made by the said trustees under the said recited act, and to make, do and execute any other act or thing necessary for completing the said court-house, prison and prison yard, with like powers and duties as were heretofore vested in the said trustees by virtue of the act aforesaid.

The powers of the trustees of Adams county vested in the commissioners of said county. Their powers and duties.

The trustees to render an account, and pay over to the county commissioners all monies remaining in their hands.

The commissioners authorized to lay a further tax, if necessary, but not to exceed four thousand dollars.

SECT. II. *And be it further enacted by the authority aforesaid, That* the trustees appointed under the act aforesaid, shall render a faithful and true account of the expenditure of all monies put into their hands, to the commissioners of the county of Adams, for inspection, adjustment and settlement, and shall pay over any monies which may remain in their hands, to the said commissioners ; and as the sums heretofore subscribed, assessed and raised, are insufficient to complete the court-house, prison and prison yard, it shall and may be lawful for the commissioners of the said county, and they are hereby authorized and directed to assess, levy and collect such further sum or sums of money, not exceeding four thousand dollars, including all outstanding monies which remain uncollected, or now in the county treasury, as they or a majority of them may think expedient, to complete the public buildings aforesaid, in the same manner as county rates and levies, are directed to be levied and collected.

Passed 26th March, 1804.—Recorded in Law Book No. IX. page 523.

CHAPTER MMCCCCLXXI.

An ACT authorizing the governor to incorporate a company for making an artificial road in Wayne and Luzerne counties.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions. Form thereof. Notice to be given of the times and places of subscription. How long the books are to be kept open. Commissioners may adjourn from time to time. A deposit to be made at the time of subscribing. 2. Proceedings to obtain a charter, and the company to be incorporated by the name of "The President, Managers and Company of the Coshecton and Great Bend Turnpike Road," with the usual corporate privileges and powers. 3. Commissioners to notify the subscribers to meet and organize the

company. Officers to be chosen, and the number of votes limited. 1804.
 4. Of general and special meetings of the company. 5. Certificates of shares to be issued; which shall be transferable. 6. Of meetings of the president and managers. Of a quorum to do business, and their powers. 7. Penalty on stockholders failing to pay the instalments of capital stock. 8. The president and managers, &c. may enter on the lands, &c. through which the road may pass, to ascertain and mark the track of said road. 9. Also for the purpose of taking materials; making amends for the damages done. Mode of ascertaining the damage by reference, &c. 10. The president and managers to have power to erect bridges; and shall cause a road to be laid out. Dimensions, &c. To be kept for ever in good repair. 11. When and how the company shall be authorized to erect turnpikes, and receive tolls. 12. The company authorized to appoint toll-gatherers, and rates of toll prescribed. But persons passing or repassing from one part of his or her farm to another, or to or from any place of public worship or funerals, shall be exempted from the payment of tolls.]

SECT. XIII. *And be it further enacted by the authority aforesaid,* That if any person or persons owning, riding in, or driving any carriage of burden or pleasure as aforesaid, or owning, riding, leading or driving any horse or mule or driving any hogs, sheep or cattle as aforesaid, shall, with an intent to defraud the said company, or to evade the payment of any of the tolls or duties aforesaid, pass therewith through any private gate or bar, or along or over any private passage way, or along or over any other ground or land near to, or adjoining any turnpike or gate, which shall be erected in pursuance of this act; or if any person or persons shall with the intent aforesaid, take off, or cause to be taken off, any horse or other beast or cattle of draft or burden, from any carriage of burden or pleasure, or shall practise any other fraudulent means or device, with the intent to evade or lessen the payment of any such toll or duty, all and every such person or persons offending in manner aforesaid, shall for every such offence, respectively, forfeit and pay to the president, managers and company of the Coshecton and Great Bend turnpike road the sum of fifteen dollars, to be sued for and recovered, as debts of equal amount are, or may be by law recoverable.

Penalty on persons attempting to defraud the company, by evading the payment of the tolls.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good and perfect order and repair, for the space of fifteen days, and information thereof shall be given to any Justice of the Peace of the proper county, such Justice shall issue a precept, to be directed to any constable, commanding him to summon three judicious freeholders, to meet at a certain time in the said precept to be mentioned, at the place in the said road complained of; of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said Justice shall, at such time and place, by the oaths or affirmations of the said freeholders, enquire whether the said road or any part thereof is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made, under the hands and seals of himself and a majority of the said free-

Proceedings where the company neglect to keep the road in good repair

1804. holders; and if the said road shall be found by the said inquisition to be out of order and repair, according to the true intent and meaning of this act, he shall so certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, for the intermediate distance between them, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put into good and perfect order and repair as aforesaid; and if the same shall not be so put in good and perfect order and repair before the next ensuing Court of Quarter Sessions of the proper county the said Justice shall certify and send a copy of the said inquisition to the Justices of the said court, and the said court shall thereupon cause process to issue and bring in the bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be found defective, as aforesaid, and shall direct a bill of indictment to be sent to the grand inquest against the person or persons entrusted as aforesaid, and upon conviction shall give such judgment, according to the nature and aggravation of the neglect, as the said court in their discretion shall judge proper: *Provided*, The fine in no instance shall be less than twenty dollars, nor exceeding one hundred dollars; and the fines so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said county, and shall be paid to the supervisors of the highways of the place wherein the offence was committed, to be applied to repairing such highways as the township or county is bound to repair at the public expense thereof.

Limitation
of fine, and
mode of re-
covering in
such case.

SECT. 15. [The president and managers to keep the company accounts of subscriptions, &c. and submit the same, annually, to a general meeting of the stockholders; and if the capital stock be found insufficient to complete the road, it may be enlarged. 16. The president and managers to keep a true account of the tolls received; and publish half-yearly dividends. 17. The president and managers to lay an abstract of their accounts, triennially, before the Legislature, for the purpose of ascertaining the clear yearly income; and if the profits do not bear a dividend of six per cent. the tolls may be increased; but not to exceed nine per cent. 18. Direction posts to be erected, and mile-stones placed on the side of the road.

Penalty on
pulling down
or defacing
any mile-
stone or di-
rection-post,
&c.

SECT. XIX. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully break, deface, pull up or prostrate any mile-stone, which shall be placed in pursuance of this act on the side of the said road, or shall obliterate the letters or figures inscribed thereon, or shall wilfully break, pull down, deface, destroy or injure any direction-post which shall be erected in pursuance of this act, at the intersection of any road as aforesaid, or the board or index-hand affixed thereto, in conformity with the directions of this act, or shall obliterate the letters or figures inscribed or marked thereon, or destroy, deface or obliterate the letters, figures or other characters marked at any turnpike or gate, which shall be erected in pursuance of this act, for all or any of the purposes therein mentioned, or the whole or any part of any printed

list of the rates or tolls which shall be affixed in pursuance of the directions of this act, at any such gate or turnpike, he or they so offending in the premises and each of them shall for every such offence severally and respectively forfeit and pay to the said president, managers and company the sum of ten dollars, to be sued for and recovered as debts of equal amount are or may be by law recoverable.

SECT. XX. *And be it further enacted by the authority aforesaid,* That all waggoners, carters and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, shall, except when overtaking and passing by a carriage of slower draught, keep their horses and carriage on the right hand side of the said road, in the passing direction, leaving the other side of the said road free and clear for other carriages to pass and repass; and if any waggoner, carter or driver shall offend against this provision, he shall forfeit and pay any sum not exceeding ten dollars, to any person who shall by reason thereof be obstructed in his passage and will sue for the same, to be recovered in the same manner as debts of equal amount are or may be by law recoverable.

Drivers to keep the right hand side in the passing direction.

Penalty for offending against said provision.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That if any toll-gatherer on the said road shall demand and receive from any person or persons using the said road any greater or other toll than by this act is authorized and allowed, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, to the use of the overseers of the poor of the township in which the forfeiture shall be incurred.

Penalty on toll-gatherers receiving more than lawful toll.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That if in case of any suit or prosecution which shall be commenced under the directions of this act, for any penalty directed by the same, whether by or against the said company, their servants or assignees, and the said suit or prosecution shall not be sustained by the plaintiff or prosecutor, then and in such case the person or persons prosecuted as aforesaid shall recover by the judgment of the justice before whom such suit or prosecution shall be depending, such sum not exceeding the amount of the penalty for which the suit or prosecution shall be commenced, as shall by such justice be deemed a reasonable retribution for the vexation of such suit or prosecution.

Penalty in case prosecutions under this act are not sustained.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That no suit or action shall be brought or prosecuted by any person or persons for any penalties alleged to be incurred under this act, unless such suit or action shall be commenced within six months next after the offence shall have been committed; and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by the authority of this act.

Limitation of time for bringing suits under this act.

SECT. 24. [Limitation for commencing and completing the road. 25. The right reserved to the state of purchasing the company's interest in the road.]

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CHAPTER MMCCCCLXXIII.

An ACT to incorporate an Academy or Public School in the town of Norris, and county of Montgomery, and for other purposes therein mentioned.

SECT. 1. [NORRISTOWN academy established in Montgomery county. To be under the direction of trustees. Names of the first trustees. Who are created a body politic, by the style of "The Trustees of the Norristown Academy," with the usual corporate powers. 2. Qualifications of the trustees, and of the masters of the academy to be as prescribed by the constitution with respect to the state officers; and also for the faithful discharge of their trusts, &c. 3. The trustees empowered to sell a lot of ground and school-house thereon erected.]

Passed 29th March, 1804.—Recorded in Law Book No. IX. page 554.

CHAPTER MMCCCCLXXIV.

An ACT altering and extending the powers of the corporation of the borough of Bristol.

SECT. 1. [PROCEEDINGS to choose burgesses, by ballot, designating the person voted for as chief burgess, and the person voted for as second burgess, &c. 2. Penalty on neglecting to serve as a common council-man, &c. to be levied by distress, &c. 3. Majority of burgesses and common council to be a quorum to do business. 4. Powers of "The burgesses, high constable and common council of the borough of Bristol," to hold property, and to lease, sell or assign the same, &c. 5. Repeal of so much of former laws as is hereby repealed.]

Passed 29th March, 1804.—Recorded in Law Book No. IX. page 557.

CHAPTER MMCCCCLXXV.

An ACT to erect the town of Morrisville into a borough.

SECT. 1. [THE town of Morrisville erected into a borough. 2. Time and place of choosing borough officers prescribed, and mode of conducting elections, and of supplying vacancies by death, resignation, &c. 3. Style of the corporation to be "The Burgess and Town Council of the Borough of Morrisville," with the usual corporate powers. 4. Penalty on persons elected refusing to serve as burgesses, &c. 5. Qualifications of the borough officers, to support the constitution of the United States, and of this state, and to execute the duties of their offices with fidelity. 6. Of meetings of the town council to make by-laws, regulate the streets, &c. assess and apportion taxes; and appoint a town clerk, &c. By-laws not to be repugnant to the constitution, &c. Amount of taxes limited. 7. Powers and duties of the burgess prescribed. 8. And of the town

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clerk. 9. The treasurer to give security. 10. The treasurer, clerk, &c. to render their accounts annually; which shall be published by the council. 11. Duties of the high constable prescribed. 12. Appeal allowed to persons feeling themselves aggrieved to the next Quarter Sessions of Bucks county, on giving security, &c.]

Passed 29th March, 1804.—Recorded in Law Book No. X. page 1.

CHAPTER MMCCCLXXXVIII.

A SUPPLEMENT to an act, entitled "An Act to authorize the Governor of this Commonwealth to incorporate a Company for erecting a Bridge over the river Delaware at or near Trenton." [Original act, vol. 3, pa. 336.]

SECT. 1. [CERTAIN privileges granted to the company for erecting a bridge over the Delaware at Trenton, to enter on lands, and on Morrisville island, to erect and maintain abutments and arches; to open a road on said island, &c. Any person feeling himself aggrieved by the proceedings of the company may make application to the Court of Common Pleas of Bucks county. Proceedings in such case to nominate referees, &c. 2. The term limited for finishing the bridge extended for four years.]

Passed 2d April, 1804.—Recorded in Law Book No. X. page 5.

CHAPTER MMCCCLXXXIX.

An ACT conferring certain Powers on the Commissioners of Berks county, and for other purposes. [See a supplement to this act, 11th February, 1805, post. chap. 2526.]

SECT. 1. [THE commissioners of Berks county empowered to compromise a certain claim or demand against Obadiah Osburn. 2. The arrears of taxes due the commonwealth from the county of Berks, granted to the commissioners, to be applied towards the erection of a bridge over the Schuylkill, near Reading.]

Passed 2d April, 1804.—Recorded in Law Book No. X. page 6.

CHAPTER MMCCCLXXXI.

An ACT for dividing the borough of Lancaster into two election Wards.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the borough of Lancaster shall be divided into two election wards, in manner following, *to wit:* All that part of the borough of Lancaster, to the east of Queen-street, shall be one ward, and shall be called east ward; and all that part of the said borough, to the west of Queen-street, shall be

The borough of Lancaster divided into two election wards, to be called east and west wards, &c.

1804. one ward, and shall be called west ward; and it shall henceforth be lawful for the electors of the said borough, at the same time, and in the same manner, as is prescribed by the second section of the act, entitled "An act to regulate the general elections within this commonwealth,"* to choose one additional inspector to serve at the general elections for the said borough; and in conducting the said general elections for the said borough, and receiving the votes at the same, the inspector for each ward shall occupy one window of the house where the election shall be holden, and no inspector shall receive any votes but from electors, who shall reside in the ward for which he shall have been chosen: *And provided always*, That at the election for inspectors as aforesaid, the electors of said borough shall vote for two persons, one of whom shall reside in east ward, and one in west ward; and if at any such election, for inspector, any ticket or tickets shall be received, containing the names of two persons, both of whom shall reside in the same ward, the same shall be destroyed and considered as of no effect.

[* Vol. 3, pa. 340.]

Passed 2d April, 1804.—Recorded in Law Book No. X. page 7.

CHAPTER MMCCCCLXXXIII.

A SUPPLEMENT to the act, entitled "*An Act concerning Divorces and Alimony.*"

[Original act, vol. 2, pa. 343.]

What marriages are void.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That all marriages, within the degree of consanguinity, or affinity, according to the table established by law, are void to all intents and purposes; and it shall and may be lawful for the courts hereinafter mentioned, or any of them, to grant divorces from the bonds of matrimony; and the parties shall be subject to the like penalties as are contained in an act against incest.

Applications for divorces may be made to the Judges of the Supreme Court, of the Circuit Court or Court of Common Pleas of the proper county.

Proceedings in such case.

Powers of the courts touching divorces.

Of proclamation to be made by the Sheriff.

SECT. II. *And be it further enacted by the authority aforesaid*, That any person who hath been or shall be injured in any of the ways mentioned in the second section of the act to which this is a supplement, may apply in the manner prescribed by the third section of the said act, to the Judges of the Supreme Court, in term time, or at any Circuit Court, or to one or more of them in vacation, or to the Judges of the Courts of Common Pleas of the proper county; and like proceedings shall be had, in order to compel the appearance of the party complained against, as are directed to be had in and by the said third section of the act aforesaid, either at the next Supreme Court, Circuit Court, or Court of Common Pleas, as the case may be; and the said courts, respectively, shall have like powers in all things touching divorces and alimony, as the Judges of the Supreme Court now have by virtue of the act to which this is a supplement: *Provided always*, That the proclamation directed by the act aforesaid, to be made by the Sheriff of the city and county of Philadelphia, at the market place, shall be made by the said Sheriff, or by the Sheriff of the proper county, as the

case may require, on three several days, in term time, at the court-house of the city or county where any such application shall have been made—and that the notices to the party against whom a subpoena shall have issued, shall be given in some public newspaper printed in the city of Philadelphia, or in the proper county, or in some adjoining county, in case no paper is printed in the county where such application shall be made, for four successive weeks: *And provided, also,* That when a trial by jury is to be had as to any controverted matters of fact, the same shall be in any of the above mentioned courts, when sitting, in the city or county where the fact is charged to have arisen.

SECT. III. *And be it further enacted by the authority aforesaid,* That either of the parties in any suit or action to be brought in pursuance of this act, or the act to which this is a supplement, after any final sentence or decree given, may appeal therefrom to the Supreme Court, or to the High Court of Errors and Appeals,* as the case may require, upon entering into a recognizance, in manner and form, as is prescribed by the twelfth section of the act to which this is a supplement, to the court or some Judge thereof, from which such appeal shall be made.

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Of notices to the party complained against

Appeal allowed to the Supreme Court, or Court of Errors and Appeals.

[* The High Court of Errors and Appeals has been since abolished.]

SECT. IV. *And be it further enacted by the authority aforesaid,* That so much of the act, entitled “An act against incest,” as is hereby altered or supplied, be and the same is hereby repealed. (*p*)

Passed 2d April, 1804.—Recorded in Law Book No. X. page 9.

(*p*) The proceedings in cases of divorce, not being according to the course of the common law, a writ of error does not lie to the final sentence of the common pleas therein, but merely an appeal. This being a jurisdiction of a peculiar nature, vested in the common law courts by act of Assembly, the mode of proceeding prescribed by the act, and no other mode, should be pursued.—So determined, in *Miller v. Miller*, 3 *Binney*, 50.

CHAPTER MMCCCCLXXXV.

An ACT for re-building the bridges over Swatara creek and Deep creek, on the Tulpehocken road, in the county of Berks.

SECT. 1. [THE commissioners of Berks county authorized to contract for the re-building of certain bridges over Swatara and Deep creeks, and report the completion of the work, &c. 2. The expense of re-building the bridges is to be defrayed, one half by the county of Northumberland, and the other half by the county of Berks, not exceeding five hundred dollars each, out of the arrears of state taxes, &c.]

Passed 2d April, 1804.—Recorded in Law Book No. X. page 11.

CHAPTER MMCCCCLXXXVI.

A further SUPPLEMENT to the act, entitled “An act directing the descent of intestates real estates and distribution of their personal estates, and for other purposes therein mentioned.”

[See the original act, vol. 3, page 143, and the notes thereto, and see post. chap. 2584, 2813 and 2965, and

WHEREAS by the laws regulating the distribution of intestates estates, no provision is made for the sale of estates, which

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also "An act relative to Dower," passed 1st April, 1811.]

not being capable of division have been or hereafter may be appraised, and which none of the heirs or representatives of such intestate are able or willing to take at such appraisement, and by reason thereof the proceedings in the Orphans' Court (which is considerably expensive) may be abortive, and the parties constrained either to await the mutual consent of each other, to dispose of the estate, or sell out by undivided interests at great disadvantage: For remedy whereof,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That*

Where an intestate's estate will not admit of a division, and neither of the heirs will take it at the appraisement; proceedings to procure a sale of it.

Notice to be given to the heirs of the intestate, &c.

where any person hath died or hereafter may die intestate, seized of real estate in this commonwealth, subject to partition or valuation, as prescribed by the act to which this is a supplement, which real estate cannot be divided, but hath been or shall be appraised, and none of the children or other legal representatives of the deceased, will take the same at the valuation, it shall then be the duty of the Orphans' Court, on the application of any one of the children, or other legal representative, to grant a rule upon all the heirs or other persons interested in such estate, to shew cause on the first day of the next regular session of said court, why the estate of the intestate should not be sold: *Provided, A copy of such rule be served on such of the heirs or representatives interested, as reside in the county where the estate lies, by delivering it to the person, if of age, or his or her guardian, if a minor, or by leaving a copy thereof at their usual place of abode at least twenty days before the time of holding the court, as aforesaid, and that notice shall be given to such of the heirs or other legal representatives as live out of the county in which the estate lies, by publishing a copy of said rule, certified by the clerk of the Orphans' Court, in the newspaper printed in the county, if any be there printed; and if not, in the newspaper published nearest to such county, at least four weeks previously to the court; and if cause be not shewn to the said court according to the said rule, it shall and may be lawful for the said court, and they are hereby enjoined and required, on due proof of notice of the aforesaid rule being given, to make an order or decree commanding the executor or executors, administrator or administrators (as the case may be) to expose the real estate of the intestate to public sale, on the premises, on a day certain, upon such terms as the court may think proper to direct; of all which the executor or executors, administrator or administrators, shall give at least ten days notice, by advertisement in the newspaper printed in such county, if any there be, and if none, then in that nearest to the county where the land lies.*

The estate so sold to be transferred to the purchaser.

SECT. II. *And be it further enacted by the authority aforesaid, That upon such sale made as aforesaid, and return thereof to the aforesaid court, it shall be the duty of said court, and they are hereby required, on motion of the purchaser, to confirm the sale, and to decree the estate in the premises, so sold, to be transferred and vested in such purchaser, as fully as the intestate held the same at his decease, subject and liable to the payment of the purchase money, according to the terms prescribed by the court in the order of sale; and said court shall cause the proceeds of such sales to be*

distributed, in such manner as according to law and justice may be proper. 1804.

Passed 2d April, 1804.—Recorded in Law Book No. X. page 12.

CHAPTER MMCCCCLXXXVII.

An ACT to provide for the payment of certain balances of purchase money yet due and remaining charged on lands, which have been patented on warrants obtained since surveys were originally made in pursuance of old proprietary warrants and location, and for other purposes.

[See vol. 2, page 251, (note:) and the act of 26th March, 1808, (chap. 2971, sect. 3.) and also an act passed 4th April, 1809.]

WHEREAS it appears, from the papers in the Land-Office of this state, that many persons who held lands under proprietary warrants or locations, have, as is apprehended, in order to obtain patents for the same at reduced prices, procured new warrants from the state, on which in most cases patents have issued, thereby endeavouring to avoid the payment of part of the principal and interest due on their original contracts, and at the same time rendering the titles of those who are purchasers under them insecure: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, on the application of any person or persons holding a warrant or warrants for lands within this commonwealth, issued under the authority of the same, on which surveys have been made, or patents issued, and who are also in possession of the title to the same land, or any part thereof, by virtue of a proprietary warrant or location, and who are now desirous of doing justice to the state by patenting their said lands on their old proprietary warrants or locations, that the board of property shall have power to direct the Receiver-General, on settlement of their said accounts on the said proprietary warrants or locations, to carry to their credit the amount of purchase money and interest paid by them, or those under whom they claim on their said new warrants.

Persons having obtained warrants under the commonwealth for lands held by virtue of a proprietary warrant or location, and patenting said lands on such proprietary warrants or locations, to have a credit for the monies paid on their new warrants.

SECT. II. *And be it further enacted by the authority aforesaid, That* this act and the benefit and advantages offered by the same, shall be and remain in force for three years, and from thence to the end of the next session of the Legislature.*

[*See the acts cited in the margin, supra.]

Passed 2d April, 1804.—Recorded in Law Book No. X. page 13.

CHAPTER MMCCCCLXXXVIII.

An ACT for the relief David Jackson. (q)

Passed 2d April, 1804.—Private Act.—Recorded in Law Book No. X. page 14.

(q) An additional annuity of 12 dollars granted to David Jackson, payable half yearly.

1804,

CHAPTER MMCCCCXCII.

[See the original act, ante. page 67.]

A SUPPLEMENT to the act, entitled "*An act to establish a board of wardens for the port of Philadelphia, and for the regulation of Pilots and Pilotages, and for other purposes therein mentioned.*"

The masters of vessels of seventy-five tons burthen or more, to make report on their arrival at the port of Philadelphia, &c. Penalty on failing there: 2s.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the master of every ship or vessel of the burthen of seventy-five tons or more, shall make report on his arrival at the city of Philadelphia, and also when outward bound, in the same time and in the same manner as is prescribed by the twenty-ninth section of the act, to which this is a supplement; and if the master of such ship or vessel shall neglect to make such report, he shall forfeit and pay any sum not less than ten dollars, and not exceeding fifty dollars, at the discretion of the board of wardens, for every such neglect; which fine shall be recovered and applied in the same manner that is directed by the act to which this is a supplement.*

The compensation to pilots for conducting unregistered vessels to be the same as for registered.

SECT. II. *And be it further enacted by the authority aforesaid, That the compensation to pilots for conducting ships or vessels, which are not registered, but which are the sole property of a citizen or citizens, of any of the United States, shall be the same that is paid for registered vessels of similar draught of water, whether such unregistered vessel is inward or outward bound, from or to the port of Philadelphia.*

The wardens of the port to determine the compensation due G. Hulschamp for certain specified services, &c.

SECT. III. *And be it further enacted by the authority aforesaid, That the wardens of the port shall determine the compensation due to Garret Hulschamp, for the service he hath performed in sounding the channel west of Tinicum bar, and fixing the five buoys necessary for directing the vessels detained under quarantine, in passing into and out of the road where quarantine is performed, and for taking up, re-fitting and re-placing the said buoys for one year, or such longer time as the said Garret Hulschamp hath performed that service; and the said wardens are hereby authorized and required to certify to the board of health the amount of the monies due to the said Garret Hulschamp, for the services already performed; and the board of health are hereby authorized and required to pay the sum so certified, out of the funds allotted for the support of that institution; and at all times hereafter the board of health may contract with some suitable person to fix, remove and replace the buoys; and the said board shall furnish all such apparatus that may be found necessary, and pay the expenses as aforesaid.*

Passed 2d April, 1804.—Recorded in Law Book No. X. page 16.

CHAPTER MMCCCCXCIII.

(Vol. 3, page 340.)

A SUPPLEMENT to the act, entitled "*An act to alter and amend the act, entitled "An act to regulate the general elections within this commonwealth."*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assem-*

bly met, and it is hereby enacted by the authority of the same, That 1804.
so much of the sixth section of the act to which this is a supplement, as prevents the Judges and Inspectors from receiving daily wages, be, and the same is hereby repealed and made null and void.

Repeal of so much of the original act as denies daily wages to the Judges and Inspectors.

Passed 2d April, 1804.—Recorded in Law Book No. X. page 17.

CHAPTER MMCCCCXCIV.

An ACT for annexing part of Luzerne county to the county of Lycoming.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* all that part of Luzerne county shall be, and hereby is annexed to Lycoming county, which lies west of the following lines, *to wit:* Beginning at the east side of the east branch of Susquehanna, on the line between Pennsylvania and New-York, at such place that from thence a due south line will strike the north-eastern corner of Clavarack township; thence by the line of the same township about a south-west course, crossing the said east branch, to the north-west corner of the said township; thence by the south-west side of the same to the southwest corner thereof; and from thence by a due west line to the line now separating the counties of Luzerne and Lycoming.*

A certain part of Luzerne annexed to Lycoming county.

(*See "An act to erect parts of Luzerne and Lycoming counties, in to separate county districts," by the names of Ontario and Susquehanna, passed 21st Feb'y. 1810, post. which embraces the territory described in this act; but these counties are not yet organized for judicial purposes.)

SECT. II. *And be it further enacted by the authority aforesaid, That* the authority and jurisdiction of the courts, and of the civil officers of the county of Lycoming, shall be and hereby are extended over the parts so annexed to Lycoming county as aforesaid, as fully and effectually as if such parts had remained in the county of Lycoming from its first erection, and the powers of the courts, and of the civil officers of Luzerne county, shall cease in the parts so annexed, saving the determination of suits, if any, which may respect such part, which may now be pending in the said courts, and all taxes hereafter to be laid in the part so annexed, shall be paid into the treasury of Lycoming county, and the said part so annexed shall be under the like control and authority of the commissioners of Lycoming county, as the other parts of the said county are subject to; and all elections shall be held at the usual places of elections; but no inhabitant of the parts so annexed to Lycoming county, shall be entitled to vote in Luzerne county, and in cases where any of the inhabitants of the parts so annexed to Lycoming county, shall be separated from their usual place of election, they shall, if otherwise duly qualified, give their votes at the place nearest to their residence where an election is held, in the county of Lycoming, or part so annexed to the same, and all returns of elections in the part so as aforesaid annexed, shall be made to the county town of Lycoming, as is usual in the other districts in the county.

The part so annexed to be under the authority and jurisdiction of the courts of Lycoming county, &c.

Passed 2d April, 1804.—Recorded in Law Book No. X. page 17.

1804.

CHAPTER MMCCCCXCV.

An ACT declaring part of Big Fishing creek and Cattewissi creek, in the county of Northumberland, public highways.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, Big Fishing creek, in the county of Northumberland, from the mouth of Little Fishing creek up to Jonathan Colly's mill, and Cattewissi creek, in the county aforesaid, up to Cherington's mill, be and the same are hereby declared public highways, for the passage of rafts, boats or other vessels; and it shall and may be lawful for the inhabitants and others desirous of using the navigation of said creeks, to remove all natural and artificial obstructions which may be in the same, excepting dams for mills or other water works, and also to erect such slopes at the mill-dams now built in the aforesaid creeks, as may be necessary for the passage of rafts, boats or other vessels: *Provided*, such slopes be so constructed as not to injure the works of said dams: *And also*, That any person or persons owning, or possessing lands on said creek, shall have liberty to erect any dam or dams across the same, agreeably and subject to all the restrictions and provisions of an act of the General Assembly of this commonwealth, passed the twenty-third day of March one thousand eight hundred and three, entitled "An act to authorize any person or persons, owning lands adjoining navigable streams of water declared public highways, to erect dams upon such streams, for mills and other water-works."

Passed 3d April, 1804.—Recorded in Law Book No. X. page 18.

CHAPTER MMCCCCXCVII.

An ACT to authorize the proprietor or proprietors of the Conewago canal to receive a toll from the boats, rafts and vessels passing the same.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the proprietor or proprietors of the Conewago canal shall keep and maintain, in good order and repair, the said canal, locks and appurtenances, and shall employ a skilful person or persons to superintend the same, and assist all and every person who may have occasion to pass and repass the said canal, with boats, vessels, rafts or crafts, of such dimensions as are capable of being received in the same: *to wit*, not exceeding eighty feet in length, and twelve feet in breadth, and not drawing more than three feet and an half of water, at all times hereafter, unless when the passage shall be rendered impracticable by ice, or shall be damaged or obstructed by freshes, and during such reasonable time as may be necessary for removing such obstructions and making repairs.

Certain parts of Big Fishing creek and Cattewissi creek declared public highways.

Proviso in favour of persons owning lands on said creeks.

The proprietors of the Conewago canal to keep the same in good repair, and to employ a superintendent to assist in the passing and repassing of boats, &c. Dimensions of boats that may pass through the canal.

SECT. II. *And be it further enacted by the authority aforesaid,* 1804.
That it shall and may be lawful for the proprietor or proprietors of the said canal, their agent or agents, to receive from the manager or owner of each boat, raft, vessel or craft, the sum of fifty cents for each passage up or down the said canal and locks, for every boat, raft, vessel or craft, having so passed; and in case of non-payment, the said proprietor or proprietors, agent or agents as aforesaid, may distrain on any utensil, or part of the cargo or property found on board such boat, vessel, raft or craft, as is usual for rent, rendering the overplus, if any, after payment of toll and costs to the owner: *Provided always,* That not more than half toll shall be charged on any canoe passing up or down the said canal and locks.

Tolls allowed the proprietors;

for which, in case of non-payment, they may distrain, &c.

SECT. III. *And be it further enacted by the authority aforesaid,* That in case any boatman, raftman, skipper or person conducting any vessel or craft, who shall have paid or tendered the toll as aforesaid, shall be refused a passage either up or down the said canal, at any reasonable time of the day: *to wit,* between sun rising and sun setting, when the canal and locks shall be in repair, and free from ice or other obstructions as aforesaid, such boatman, raftman, skipper or other person, conducting such boat, vessel, raft or craft, not exceeding the dimensions aforesaid, may apply to any Justice of the Peace on either side of the river Susquehanna, who shall, on complaint as aforesaid made and substantiated, by oath, issue process, to bring the proprietor or proprietors of the said canal, or their tenant or tenants, agent or agents so refusing, before him, who on their appearance, or upon proof of the due service of the process, if he or they do not appear, shall proceed to hear the complaint or complaints of such boatman, raftman, skipper, or person conducting any craft or vessel as aforesaid; and if the said complaint or complaints shall be well founded, he shall give judgment in favour of such boatman, raftman, skipper or other person conducting any craft or vessel, for twenty dollars for every boat, vessel, raft or craft which shall be refused a passage as aforesaid; and if not paid on the passing of such judgment, the Justice shall issue an execution for the same, directed to the proper officer; for the satisfaction of which all the property of the said proprietor or proprietors, their tenant or tenants, agent or agents, which may be found on the premises, appurtenant to the said canal, shall be liable: *Provided always,* That such suit or suits shall be brought within thirty days after such refusal of passage as aforesaid.

Penalty on refusing a passage through said canal to any boatman, &c.

Proceedings to recover the penalty.

Suits for said purpose must be brought within a limited time.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if any person or persons whosoever shall wilfully and knowingly do any act or thing whatsoever, whereby the said navigation, or any lock, gate, engine, machine or device thereto belonging, shall be injured or damaged, or shall commit any wilful trespass, or take, carry away, or conceal any engine, device, machine or instrument, used in or about the said canal and locks, or shall of their own accord, open or cause the said locks or gates to be opened, or attempt so to do, or to pass or repass the same, without the knowledge and consent of the superior, tenant or manager of the said canal and locks, he, she or they, so offending, shall forfeit and pay to the said proprietor or proprietors, their tenant or tenants, agent or agents,

Penalty on persons wilfully obstructing or injuring the navigation, &c.

1804. fourfold the cost and damages by him or them sustained, by means of such known and wilful act, together with costs of suit, to be recovered as debts of equal amount are or may be by law recoverable.

Penalty, in case the canal and locks shall be out of repair for one month, &c.

How to be recovered, and to what use.

Provide in case of unavoidable accidents.

Limitation of time for receiving toll.

SECT. V. *And be it further enacted by the authority aforesaid,* That if the said canal and locks shall be out of repair, so as not to admit the passage of boats, vessels, rafts or crafts as aforesaid, to pass up and down the same, for the space of one month, or shall neglect to keep a person or persons there to open and shut the said locks, the proprietor or proprietors, their tenant or tenants, agent or agents, shall be liable to a fine of one hundred dollars for every month the said canal and locks shall be out of repair, or neglect to employ such person or persons as aforesaid, to be recovered in any Court of Quarter Sessions of the proper county; one moiety to the prosecutor, and the other moiety to the use of the commonwealth, and moreover shall be liable to be prosecuted anew, under like penalties, at every subsequent Court of Quarter Sessions, as long as the said canal and locks continue out of repair; *Provided always,* That the said proprietor or proprietors, their tenant or tenants, agent or agents, shall not be liable to said penalty if the said canal or locks become out of repair by any unavoidable accident, and reasonable diligence has been used to make such repair.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the right herein granted to the proprietor or proprietors of the Conewago canal, to receive toll, shall continue and be in full force from the passing of this act, for nine years, and from thence to the end of the next session of the legislature, and no longer.

Passed 3d April, 1804.—Recorded in Law Book No. X. page 20.

CHAPTER MMCCCXCVIII.

An ACT to authorize and require the state treasurer to receive the Interest on federal stock, the property of this commonwealth, and for other purposes.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the state treasurer be, and he hereby is authorized and required, from time to time, for the use and on behalf of the state, to receive the interest at the treasury of the United States or elsewhere, already accrued or hereafter to accrue, on the certificates of debts of the United States, the property of this state, whether held in the name of the late, or the present Comptroller-General, or in the name of the commonwealth of Pennsylvania, and place the same to the credit of the state.

SECT. II. *And be it further enacted by the authority aforesaid,* That whenever it shall appear to the state treasurer, that the interest accrued or to accrue on the said stock, can be more conveniently, and with less expense to the state, received at the office of commissioner of the treasury in Philadelphia (commonly called commissioner of

The state treasurer authorized to receive the interest on certain certificates of the U. S. the property of this state.

If it shall appear to the treasurer that the interest can be received with less expense to the

loans) or at any other office, subordinate to the United States treasury, than at the treasury itself, it shall be the duty of said state treasurer, and he is hereby authorized and required, to obtain a transfer of said stock from the books of the treasury, to those of the commissioner of loans at Philadelphia, or to any office subordinate to the United States treasury; or if circumstances require it to re-transfer said stock to the books of said treasury; and so to do as often as to him the said state treasurer may seem expedient, or be for the benefit of the state.

SECT. III. *And be it further enacted by the authority aforesaid,* That all the certificates of funded debt of the United States, which may hereafter be received as the property of this state, shall be taken in no other name, but in the name of the commonwealth of Pennsylvania, and the interest accrued or hereafter to accrue, shall only be received by the State Treasurer in manner aforesaid, and the stock be transferable by him alone, and in no other manner than as aforesaid, except in such cases when a transfer has been or hereafter may be specially provided for by law.

Passed 3d April, 1804.—Recorded in Law Book No. X. page 21.

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state, at the office of the commissioner of loans at Philadelphia, he may obtain a transfer of the stock from the books of the treasury of the U. S. to those of the commissioners, &c. Certificates of funded debt of U. S. the property of this state, hereafter to be taken in the name of the commonwealth.

CHAPTER MMCCCCXCIX.

An ACT authorizing the state treasurer to transfer to certain individuals the stock held by the state for their use in the loan office of the United States.

WHEREAS by virtue of the powers vested in the Treasurer of the commonwealth, under certain acts of Assembly, passed the thirtieth day of September, one thousand seven hundred and ninety-one, the fifth day of March, one thousand seven hundred and ninety-four, and the fourteenth day of April, one thousand seven hundred and ninety-four, he subscribed in the name of the commonwealth certain continental certificates which had been received from the United States in exchange for new loan certificates, stated to have been lost by Sarah Caldwell, John Thompson, Mary Beere, James Steene, Charles West, Thomas Butler and Henry Brown, to a loan opened by Congress under the act of the fourth day of August, one thousand seven hundred and ninety, for the benefit of domestic creditors, in trust for the use of said persons: And whereas under certain other acts, passed the twenty-ninth day of March, one thousand eight hundred and two, and the twenty-ninth day of March, one thousand eight hundred and three, a large part of said stock thus held in trust was transferred and paid over to Thomas Leiper, as executor to the estate of Sarah Caldwell, deceased; and as the retaining of the residue can be of no further advantage to the state than as security against the said lost certificates, and may be a disadvantage to the aforesaid persons or their representatives, who may desire to vest the property in other funds, or place it in trade: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly*

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The Treasurer authorized to transfer certain stock of the U. S. to the persons entitled to receive the same, &c.

met, and it is hereby enacted by the authority of the same, That the state treasurer, for the time being, shall, when so required by persons properly authorized, transfer or cause to be transferred the original amount of stock of the United States, held in trust as aforesaid, and also the dividend of two per cent. which the commonwealth has received thereon to the said John Thompson, Mary Beere, James Steene, Charles West, Thomas Butler and Henry Brown, respectively, or their legal representatives, the said parties indemnifying the commonwealth against the reproduction of the certificates (stated to have been lost) in such manner and with such security as the Governor shall direct and approve.

Passed 3d April, 1804.—Recorded in Law Book No. X. page 22.

CHAPTER MMCI.

An ACT to enable persons appointed to offices of public trust to recover official documents appurtenant to the said offices from persons detaining the same.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That in all cases where any person has been or hereafter shall be appointed to any office of public trust or employment, it shall be his duty, and it is hereby enjoined upon him to call upon the person or persons who held the offices immediately before his appointment, or upon the heirs, executors or administrators of such person or persons, and receive from him or them all records, books, draughts, plans, papers, seals or other official documents, which to such office or appointment belonged, or of right appertained.*

Persons appointed to public office to call on their immediate predecessors for the books and other official documents belonging to such office.

Proceedings in case such predecessor refuses to deliver up said official documents.

SECT. II. *And be it further enacted by the authority aforesaid, That if the person or persons in whose hands or possession any such records, books, draughts, plans, papers, seals or other official documents shall or may remain, shall refuse to deliver up the same, upon the reasonable request of any person legally commissioned to such office or appointment, the said officer shall forthwith apply to a Justice of the Peace, who shall issue process for such person or persons so refusing, and shall cause them, either by sufficient bail or commitment, to appear at the next Court of Quarter Sessions for the proper county, there to be proceeded against by way of indictment for the offence aforesaid.*

Penalty on persons convicted of detaining such books and documents from the officer entitled to receive them.

SECT. III. *And be it further enacted by the authority aforesaid, That every person legally convicted by verdict of a jury, of detaining from any person duly commissioned to any office or appointment, any records, books, draughts, plans, papers, seals or other documents, to such office or appointment belonging, or in anywise appertaining after reasonable demand made, the court before whom such verdict is given, shall sentence such person to be committed in close custody, in the gaol of the proper county, there to remain without bail or main-prize, until such papers so found by verdict to*

be in his, her or their possession, shall be delivered to the proper officer, and shall moreover pay a fine not exceeding one hundred dollars; one half to be paid to the officer, from whom the documents were detained, and the other half to the use of the commonwealth.

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Passed 3d April, 1804.—Recorded in Law Book No. X. page 24.

CHAPTER MMDIII.

An ACT for the election of constables in the township of Pittsburgh.

WHEREAS the citizens of Pittsburgh township have represented to the Legislature, that they labour under great inconveniences for the want of constables in said township, there being none elected or appointed for two years past, in consequence of doubts having arisen as to the legality of holding elections for constables, there being no officer to hold such election, or to make return thereof: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That,* the electors of Pittsburgh township, consisting of the borough of Pittsburgh, shall annually on the fourth Monday of May, at the same place that they meet to choose borough officers, elect four reputable citizens in said township. It shall be the duty of the constable of the borough to hold the election, and return the names of the persons so elected to the next Court of Quarter Sessions for the county of Allegheny; and the said court shall appoint two of them to be constables for the said township, and on the neglect or refusal of such person or persons elected in manner aforesaid, the court shall then proceed as directed by the seventeenth section of an act, entitled "An act for the recovery of debts and demands not exceeding one hundred dollars, before a Justice of the Peace, and for the election of constables, and for other purposes."

Time and place of choosing constables in Pittsburgh township.

Penalty on persons elected refusing or neglecting to serve.

SECT. II. *And be it further enacted by the authority aforesaid,* That previously to the election for constables as aforesaid, it shall be the duty of the constable or constables of said township, to give notice of the same, by three or more written or printed advertisements, put up at the market-house in the said borough, at least three days previously to said election; and if the said constable or constables, shall refuse or neglect to give such notice, he or they shall forfeit and pay ten dollars for such offence, to be recovered as sums of equal amount are or may be by law recoverable; such fines to be applied to the use of the poor of the said township.

Previous notice to be given of such election.

Penalty on failure to give notice.

Passed 3d April, 1804.—Local Act.—Recorded in Law Book No. X. page 25.

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CHAPTER MMDV.

An ACT to authorize Alexander M^cIntire to erect a toll bridge over French creek. (r)

Passed 3d April, 1804.—Private Act.—Recorded in Law Book No. X. page 27.

(r) The bridge to be commenced in one year, and completed in three years. Bridge subject to be purchased at a valuation, &c. by the county of Crawford.—Persons attending divine service on Sunday, and funerals, to pass toll free. (*Note to former edition.*)

CHAPTER MMDVI.

An ACT to provide for the Inspection of Ground Black Oak Bark intended for exportation.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the first day of June next, no ground black oak bark shall be exported from the port of Philadelphia, until the same shall be inspected by a person to be appointed by the Governor of this commonwealth, and who before he enters upon the duties of his office, shall take an oath or affirmation before the Mayor or one of the Aldermen of the city of Philadelphia, faithfully and impartially to do and perform the duties assigned to him by this act; and that he shall not directly or indirectly be concerned in buying, selling or shipping ground bark.*

SECT. II. *And be it further enacted by the authority aforesaid, That no ground black oak bark, the produce of the United States, shall be shipped from the port of Philadelphia, except such as in the opinion of the inspector shall be shaved clean from the ross or outside bark, ground sufficiently fine, and be free from damage by wet, mould or otherwise, well packed, in good and sufficient casks, having at least twelve hoops thereon, together with lining hoops on each end well secured.*

SECT. III. *And be it further enacted by the authority aforesaid, That the bark intended for exportation, shall be put up and packed in casks, marked in plain and legible characters, first and second quality, as its quality and manufacture may merit, together with the word Philadelphia, and the name of the inspector; and no casks shall be so marked except the same shall be found free from all mixture with other bark, tan or extraneous matter, from damage by wet, mould or otherwise.*

SECT. IV. *And be it further enacted by the authority aforesaid, That if there shall be found in any cask containing ground black oak bark, any mixture of different barks, or of tan or other extraneous substance, or if it shall not be clean shaved from the outside bark or ross, and free from damage, the inspector shall condemn the same as unfit for exportation; and as a mark of such condemnation shall mark on each head, distinctly, with a marking iron, the letter C; and any person altering or defacing such mark, with a*

Ground black oak bark not to be exported from the port of Philadelphia, until inspected by a person to be appointed by the Governor, who shall take an oath of office.

Description of bark fit for exportation.

How it is to be put up and packed.

Description of bark that is to be condemned as unfit for exportation.

Mark of such condemnation, and penalty for altering or defacing such mark.

view of evading this act, shall forfeit and pay for every such offence the sum of twenty dollars, one half to the person who shall prosecute for the same, the other half to the use of the poor of said city.

SECT. V. *And be it further enacted by the authority aforesaid,* That every manufacturer of black oak bark for exportation, shall brand, in a legible manner, upon the head of each cask, his name at length, under the penalty of one dollar for each cask which shall not be so branded; and all ground bark intended for exportation, shall be taken at the expense of the owner, to such convenient place within the city or liberties of Philadelphia, as the inspector shall direct, there to be inspected by starting, unpacking or otherwise, as in the opinion of the inspector may be necessary; and it shall be the duty of the inspector to grant to the person depositing such bark, or to the owner thereof, a receipt or acknowledgment of the bark so deposited with him, in such form or manner as shall be a sufficient evidence of such deposit; but no such bark shall be delivered by the inspector to any person or persons until it shall have been inspected and approved of, or condemned.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the inspector shall be entitled to receive, for every ton weight of bark which he shall inspect, three dollars: one half of which sum to be paid by the seller, the other half by the buyer; and such reasonable expense as may accrue for cooperage, on account of any deficiency in the casks, shall be paid over and above by the seller, and it shall be the duty of the inspector to weigh each cask, and to furnish the owner with an invoice, specifying the gross weight and the tare of each cask; which invoice shall be signed by him; and for every cask not exceeding ten hundred weight there shall be allowed eight pounds for draft; and the said inspector shall be further entitled to receive from the owner or owners of bark deposited with him for inspection, at and after the rate of six cents for each cask per week for storage to be computed from the time when the inspection shall have been completed.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the inspector shall have power, by virtue of this act, to enter on board any ship or vessel laying within the port of Philadelphia, to search for any ground black oak bark put on board for exportation, without being previously inspected and marked as aforesaid; and if any person or persons shall resist or obstruct the said inspector, in making such search or examination, every person so obstructing or molesting the said officer, on conviction thereof before any competent tribunal, shall forfeit and pay the sum of one hundred dollars, and the person or persons who shall have shipped such bark, shall forfeit the same, together with twenty dollars for each cask so shipped, the one half to the use of the officer or person who shall prosecute therefor; the other half to the use of the poor of the said city: *Provided,* That nothing in this act contained shall be construed to prevent any person from selling bark which may be condemned for home consumption, or from shipping any oak bark unground.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That if any owner of ground black oak bark, or other person con-

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tering or defacing it.

The manufacturer of bark for exportation to brand his name on the head of each cask.

Duty of the inspector on receiving bark for inspection.

Allowance to the inspector for every ton weight of bark inspected, &c.

The inspector empowered to enter on board any vessel to search for ground bark.

Penalty for resisting or obstructing him in so doing.

Proceedings, in case the owner is dis-

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satisfied
with the
judgment
of the inspector
as to the qual-
ity of his
bark.

cerned therein, shall be dissatisfied with the judgment given by the inspector in respect to the quality of such bark, such person shall be at liberty to choose one reputable citizen, and the inspector another, to judge and determine therein, and their determination shall be final; but if the persons so chosen shall disagree in opinion, the mayor of the city of Philadelphia, may appoint an umpire, whose opinion shall be conclusive; but nothing in this act shall be considered as extending to liquid extracts from bark, or to any preparation thereof, for which a patent shall have or hereafter may be obtained from the United States.

Limitation
of the act.
[Continued
for four
years, &c.
by act of 28th
March, 1808,
chap. 2977.]

SECT. IX. *And be it further enacted by the authority aforesaid,* That this act shall be and continue in force for three years, and until the end of the session of the Legislature then next ensuing and no longer.

Passed 3d April, 1804.—Recorded in Law Book No. X. page 29.

CHAPTER MMDVII.

An ACT erecting certain Election Districts, and making alterations in other districts, in certain counties within this commonwealth.

Place of elec-
tions in Fer-
managh and
Milford
townships,
Mifflin coun-
ty.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That until another public school-house shall be erected in Mifflin town, the electors of Fermanagh and Milford-townships, in the county of Mifflin, shall hold their elections in the school-house now occupied by David Steele, in Mifflin town aforesaid.

In Cumber-
land-valley
township,
county of
Bedford.

SECT. II. *And be it further enacted by the authority aforesaid,* That the electors residing within the district of Cumberland-valley township, in the county of Bedford, shall, from and after the passing of this act, hold their elections at the house now occupied by John M'Coy, in the township of Cumberland-valley aforesaid, any law to the contrary notwithstanding.

Part of
West-Caln
township, in
Chester
county, an-
nexed to the
eighth elec-
tion district.

SECT. III. *And be it further enacted by the authority aforesaid,* That all that part of West-Caln township, in the county of Chester, that lies north of what is called Culbertson's road, to where it intersects the old Lancaster road, be and the same is hereby annexed to the eighth election district in the said county, and the electors residing within the said part of West-Caln township, shall vote at the place appointed by law within the said district to which they are annexed.

A new elec-
tion district
erected in
Indiana
county, and
place of elec-
tions.

SECT. IV. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, that part of the township of Armstrong, in the county of Indiana, which lies north of the following lines, *to wit*: Beginning at the north-west boundary line of said township, near to and including James M'Clanahan's farm on Crooked creek; thence a straight line to the south-east boundary line of said township, and including the dwelling house of Adam Pilson, shall be a separate election district, and the electors thereof shall hold their elections at the house now occupied by Jacob Haas, of said district.

SECT. V. *And be it further enacted by the authority aforesaid,* 1804.
That from and after the passing of this act, the following described part of Venango county, shall be a separate election district, *to wit*: Beginning on the verge of Allegheny river where the line dividing the counties of Warren and Venango crosses the same; thence down the said river to the mouth of Oil creek; thence up Oil creek to the place where a line extending south from the west end of a tract of land, surveyed in the name of Andrew Cress, or Carson, crosses the same; thence north to the line dividing the counties of Crawford and Warren from the county of Venango; thence east along the said line to the place of beginning, and the electors thereof shall hold their elections at the house now occupied by Thomas Gott, and hereafter to be known by the name of North Irwin district.

North Irwin district, in Venango county, erected.

SECT. VI. *And be it further enacted by the authority aforesaid,* Londonderry township, in the county of Dauphin, shall be a separate election district, and the electors thereof shall hold their elections at the house now occupied by Robert Davidson, in Palmstown, in the said township.

Londonderry township, in the county of Dauphin, to be a separate election district.

SECT. VII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act the township of Toby, in the county of Armstrong, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Abraham Standford, in said township, any law or laws to the contrary notwithstanding.

Place of election in Toby township, Armstrong county.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the township of Tioga, in the county of Lycoming, shall be a separate election district, and the electors thereof shall hold their elections at the house now occupied by Thomas Berry, in said township.

In Tioga township, Lycoming county.

SECT. IX. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act the electors of Moon township, in Allegheny county, shall hold their elections at the house now occupied by John Bryan, sen. in said township.

In Moon township, Allegheny county.

SECT. X. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, Robinson township, in Allegheny county, shall be erected into a separate election district, and the electors thereof shall hold their elections at the house now occupied by William Marks, in said township.

Robinson township, Allegheny county, erected into a separate election district.

SECT. XI. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act the fifth district, in Butler county, shall be erected into a separate election district, and the electors thereof shall hold their elections at the house now occupied by Alexander Ramsay, in said district.

The fifth district, in Butler county, erected.

SECT. XII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act the township of Middlesex, and that part of Buffaloe township annexed to Middlesex township, in Butler county, shall be erected into a separate election district, and the electors thereof shall hold their elections at the house now occupied by John Neighley, in the town of Butler.

Middlesex and part of Buffaloe township in said county, made a new election district.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act the second district, in

The second district in said county erected.

1804. **Butler county**, shall be erected into a separate election district, and the electors thereof shall hold their elections at the house now occupied by Alexander Ramsey, in said district.

The sixth district erected.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the sixth district, in Butler county, shall be erected into a separate election district, and the electors thereof shall hold their elections at the house now occupied by Washington Porter, in said district.

Passed 3d April, 1804. —Recorded in Law Book No. X. page 31.

CHAPTER MMDVIII.

[See the bottom of pa. 324, vol. 3, the note to the original act.]

A SUPPLEMENT to the act, entitled "*An act for laying out and keeping in repair the public highways within this commonwealth, and for laying out private roads.*"

Mode of proceeding to determine the expediency of opening public roads, streets, &c. within the Northern-Liberties or district of Southwark.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the Court of Quarter Sessions of the county of Philadelphia, on being petitioned to grant a view of or for opening any public road, street, lane or alley, within the township of the Northern-Liberties, or the district of Southwark, shall have power, and by virtue of this act are directed and required, as often as they find it needful, in open court, to order and appoint twelve discreet and reputable freeholders, neither of whom shall reside or own real estate, in the township or district aforesaid, who being first sworn or affirmed, shall, together with the commissioners of the county for the time being, or a majority of them, view the ground proposed for such road, street, lane or alley; and if they, or any ten of them view the said ground, and any seven of the actual viewers, exclusive of the county commissioners, agree that there is occasion for such road, street, lane or alley, they shall proceed to lay out the same, as agreeable to the desire of the petitioners as may be, having respect to the best ground for such road or street aforesaid, and the shortest distance, in such manner as to do the least injury to private property, and shall make report thereof, stating particularly whether they judge the same necessary for a public road, street, lane or alley, together with a plot or draft thereof, and the courses, distances and references to the improvements through which it may pass, to the next Court of Quarter Sessions; and if then and there the court aforesaid, shall approve of the same, it shall, at the next court thereafter be entered on record, and thenceforth shall be taken, deemed and allowed, to be a public road, street, lane or alley, compensation being first made to the owner of the ground or other property, as herein after directed: *Provided,* That no road or street so laid out, shall, in any case exceed fifty feet in width.

Compensation to be allowed to the owners of the ground through which such road, &c. may pass.

Mode of determining such compensation.

SECT. II. *And be it further enacted by the authority aforesaid,* That on the return of the viewers reporting in favour of laying out any road, street, lane or alley, or on application by petition, for the opening of any road, street, lane or alley as aforesaid, and the same

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being approved of by the court, the court at their next session thereafter, to which the report is returned, or petition presented, shall appoint twelve discreet and respectable freeholders, neither of whom shall reside or own real estate within the township or district aforesaid, who being first sworn or affirmed, shall enquire what damages the owner or owners of lands, house, houses or other property, shall or may sustain, by reason of the same, being taken, used, and appropriated for the purpose aforesaid: *Provided always*, That it shall be the duty of the said freeholders, in assessing damages to consider the advantages which may accrue to the owner or owners of such house, houses or other property, by reason of laying out such road, street, lane or alley.

By whom
the same is
to be paid,
&c.

SECT. III. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, upon the return of the valuation and assessment of damages aforesaid, for ground or other property taken and appropriated for public roads, streets, lanes or alleys, within the township and district aforesaid; and the Court of Quarter Sessions of the county of Philadelphia, having approved the same, the amount of damages awarded by the said viewers, shall be paid by the treasurer of said county, and the court shall direct the supervisor of the highways, or if within the incorporated part of the Northern-Liberties, or of the district aforesaid, the superintendant, to stay the opening of such road, street, lane or alley, until the amount of the damages so awarded shall be fully paid and satisfied: *Provided always*, That unless the same shall be paid within one year next after the return made by the viewers, all such proceedings as aforesaid, shall be void and of no effect whatever.

Repeal of so
much of former
acts as
are hereby
altered or
supplied.

SECT. IV. *And be it further enacted by the authority aforesaid*, That so much and no more of any act or acts, as are by this act altered and supplied, be and the same is hereby repealed.

Passed 3d April, 1804.—Recorded in Law Book No. X. page 32.

CHAPTER MMDIX.

An ACT for ascertaining the right of this state to certain lands lying North and West of the rivers Ohio and Allegheny, and Conewango creek.

[See the
notes to
chap. 1033,
vol. 2, pa.
102.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That applications of actual settlers for lands lying north and west of the rivers Ohio and Allegheny, and Conewango creek, under the act, entitled "An act for the sale of the vacant lands within this commonwealth," passed the third day of April, one thousand seven hundred and ninety-two, describing particularly the lands applied for and filed with the Secretary of the Land-Office, vouching such other requisites as provided for by the act of twenty-second of September, one thousand seven hundred and ninety-four, entitled "An act to prevent the receiving any more applications, or issuing any more warrants, except in certain cases, for any land within this common-

Applications
of actual set-
tlers for
lands north
and west of
the Ohio,
&c. to have
equal effect
with vacat-
ing war-
rants.

1804.

In actions between warrantees and actual settlers, the latter may plead and make proof of an improvement and residence, in like manner as if a vacating warrant had been obtained.

The Governor authorized to employ counsel, &c.

wealth," shall, for two years, from and after the passing of this act, entitle the applicant, his heirs and assigns, to all the privileges and benefits that an original or vacating warrant would entitle them to, and on the trial of all suits brought or to be brought between warrantees and actual settlers, concerning lands situate as aforesaid, the actual settler shall be permitted to plead and make proof of his improvement and residence, as fully and with equal force and effect as if such settler had obtained a vacating warrant; but nothing in this act contained, shall be construed to impair any contract or agreement, nor to bar the legal or equitable claims of any person or persons to said lands, nor to release said lands from the conditions of settlement, residence, improvement, purchase-money and interest required by the aforesaid act of the third day of April, one thousand seven hundred and ninety-two, nor to the granting of any lands heretofore reserved or appropriated by law.

SECT. II. *And be it further enacted by the authority aforesaid,* That the Governor be and he is hereby authorized to employ one or more able counsel, generally to attend to the interests of the state, in and to the aforesaid lands, in all suits already commenced, or which shall be ready for trial at the next April or at any succeeding term in the Circuit Court of the United States, and to draw his warrant or warrants in favour of such counsel, for such sum or sums as may be thought proper, which shall be paid out of any unappropriated monies in the treasury of this commonwealth: *Provided,* Such sum or sums do not exceed one thousand dollars; and that the appearance and attendance of counsel as aforesaid, shall not be so construed as to acknowledge or give any further or additional power or jurisdiction, other than the courts have heretofore constitutionally possessed and exercised in the plea aforesaid.

Passed 3d April, 1804.—Recorded in Law Book No. X. page 34.

CHAPTER MMDX.

(See vol. 2, pa. 585, the note to the penal laws.)

Penalty on committing perjury or subornation of perjury.

An ACT for the punishment of perjury, or subornation of perjury.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That every person who shall commit perjury, or suborn, or procure any person to commit perjury, by wilfully and falsely swearing or affirming, shall, upon being thereof convicted in any court of law within this commonwealth, forfeit and pay any sum not exceeding five hundred dollars, and suffer imprisonment, and be kept at hard labour during any term not exceeding seven years, at the discretion of the court before whom such conviction shall be had; and further, shall thereafter be disqualified from holding any office of honour, trust or profit in this commonwealth, and from being admitted as a legal witness in any matter of controversy.

Repeal of so much of any former law as is hereby altered.

SECT. II. *And be it further enacted by the authority aforesaid,* That so much of any law as is hereby altered or supplied, be and they are hereby repealed.

Passed 3d April, 1804.—Recorded in Law Book No. X. page 35.

CHAPTER MMDXII.

1804.

An ACT directing the mode of selling unseated lands for taxes.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* in order to furnish the commissioners of the several counties within this commonwealth with information necessary for levying and collecting the several taxes which by law they are or may be directed and required to levy and collect, it shall be the duty of the deputy-surveyors of the several counties aforesaid, at any time upon the application of the said commissioners to make out (on oath or affirmation) a correct return to them of all the lands surveyed within their respective counties, whereof as deputy-surveyors they may have drafts, maps or plates, made by themselves or their predecessors in office, and of all the warrants or orders of survey to them directed, and not yet executed, or of such of them as the said commissioners may require, which returns shall include a list of the number of acres contained in each survey or warrant, and of the names and surnames of the original warrantees, the waters on which the same is situate, the land contiguous thereto, and the township, if known, wherein the same may lie; for which returns the said deputy-surveyors shall receive from the county treasurer, on the order of the commissioners, four cents for each warrant or survey thus returned to the said commissioners; and every deputy-surveyor, who, when required, shall refuse or neglect to make such return, shall forfeit and pay for every such neglect or refusal one hundred dollars, to be recovered as other debts of equal amount are or may be by law recoverable; and the said county commissioners are hereby enjoined and required to provide and keep a suitable book or books, in which they shall cause to be entered the number of acres surveyed, the name of the original owner and boundaries, so far as it shall be known to them, of each tract mentioned in every such return which they have already received or may hereafter receive from any of the deputy-surveyors aforesaid.

Made the duty of deputy surveyors, on the application of county commissioners, to furnish them with a return of the lands surveyed within their respective counties, &c. What shall be comprised in such return.

Compensation therefor.

Penalty on neglecting to make it when required.

Duty of the county commissioners.

SECT. II. *And be it further enacted by the authority aforesaid, That* all unseated lands within this commonwealth, held by individuals, companies or bodies corporate, either by improvement, warrant, patent or otherwise, shall, for the purpose of raising county rates and levies, be valued and assessed in the same manner as other property; but the collection of taxes already laid, or that may hereafter be laid or assessed, on unseated lands, shall not be enforced by sale of such lands, until after the expiration of twelve months from and after the same shall have been assessed, and until notice be given by the commissioners of the proper county, for four weeks, in three of the daily newspapers of the city of Philadelphia, and in one other newspaper in or nearest to the county where such lands lie, that one or more than one year's tax is due upon the unseated lands within such county; and if any tax now due or that may hereafter become due as aforesaid, together with the costs necessarily accrued thereon, shall for the space of three months after such notice shall have been given, remain unpaid, then, in every such case,

Unseated lands to be valued and assessed as other property;

but the collection of the taxes thereon shall not be enforced by sale till after twelve months from the date of the assessment, and four weeks additional notice to be given by the commissioners, that one or more year's is due.

1804.

If the tax remain unpaid for the space of three months after such notice, the commissioners are to issue their warrant to the sheriff, commanding him, after having given one month's notice to proceed to sell for the taxes; and to make a deed or deeds to the purchaser. The sheriff to take bonds from the purchaser for any surplus money beyond the amount of the taxes, &c.

the said county commissioners shall issue their warrant, under their hands and seal of office, directed to the Sheriff or Coroner of the proper county, commanding him, after having given within his proper county, at least thirty days notice in one newspaper printed in such county; or if there be no newspaper printed in the county, then one printed nearest thereto, and by written or printed advertisements set up in at least three public places, one of which shall be at the court-house in said county, stating that the sale of unseated lands for arrearages of taxes will commence on a certain day, to make public sale of the whole or any part of such tracts of unseated lands as he may find necessary for the payment of the taxes due thereon, respectively, and of all costs necessarily accrued thereon, by reason of such delinquency, and to make and execute a deed or deeds, in fee-simple, to the purchaser or purchasers of any unseated lands so sold, and the same in open Court of Common Pleas of the proper county, duly to acknowledge; it shall also be the duty of said Sheriff or Coroner, to take from such purchaser or purchasers, bonds in his own name, with warrants of attorney annexed for any surplus money that may remain after satisfying and paying the taxes and costs aforesaid, and the same bonds forthwith to file in the office of the prothonotary of the proper county, together with at least one attested copy of the advertisements, which shall so as aforesaid by him have been set up.

The county commissioners to file in the prothonotary's office, at least one of the newspapers in which they shall have published their general notice. What shall be deemed evidence of legal notice of sales made under this act. Limitation of time for bringing actions to recover back lands sold for taxes. Proviso in favour of minors and persons non compos mentis. In case of a recovery compensation is to be made for improvements made after the sale.

SECT. III. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said county commissioners to file in the prothonotary's office aforesaid, one at least of each of the newspapers in which they shall have published their general notice; which newspaper, so filed, together with the affidavit of at least one of the printers, that the aforesaid notice was published in the usual number of his papers, and the advertisement of the sheriff or coroner, filed as aforesaid, shall at all times thereafter, in any trial at law or in equity, respecting the validity of sales made by virtue of this act, be deemed and taken as sufficient evidence of legal notice having been given of the sales hereby directed to be made; and no action for recovery of said lands shall lie, unless the same be brought within five years after the sale thereof, for taxes as aforesaid: *Provided always,* That where the owner or owners of such lands sold as aforesaid, shall at the time of such sale be minor or minors, or insane, and residing within the United States, five years after such disability is removed, shall be allowed such person or persons, their heirs or legal representatives, to bring their suit or action for recovery of the lands so sold; but where the recovery is effected, in such cases the value of the improvements made on the lands so sold after the sale thereof, shall be ascertained by the jury trying the action for recovery, and paid by the person or persons recovering the same, before he, she or they shall obtain possession of the lands so recovered.

The bonds taken for surplus monies to operate as liens on the lands sold, &c.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the bonds taken by the sheriff or coroner, for surplus monies, and filed as aforesaid, shall, from the date of the deed by him executed as aforesaid, bind as effectually and in like manner as judgments, the lands by him sold, into whose hands or possession soever

they may come; and the owners of said lands, at the time of sale, or their heirs, assigns or other legal representatives, may at any time within five years after such sales cause actions to be entered on the docket of the said prothonotary, in the name of the sheriff or corner, for the use of the said owners, their heirs or assigns, or other legal representatives; and if the monies mentioned or contained in such bonds, together with legal interest from the time it is demanded, be not paid within three months after such entry, execution shall issue forthwith for the recovery of the same. 1804.

SECT. V. *And be it further enacted by the authority aforesaid,* That sales of unseated lands, for taxes that are now due, or that may hereafter become due thereon, made agreeably to the directions of this act, shall be in law and equity valid and effectual, to all intents and purposes, to vest in the purchaser or purchasers of lands sold as aforesaid, all the estate and interest therein, that the real owner or owners thereof had at the time of such sale, although the land may not have been taxed or sold in the name of the real owner thereof. Sales made agreeably to the directions of this act to vest a good title in the purchaser.

SECT. VI. *And be it further enacted by the authority aforesaid,* That every tenant who may or shall occupy or possess any lands or tenements, shall be liable to pay all the taxes which during such occupancy or possession may thereon become due and payable; and having so paid such taxes, or any part thereof, it shall be lawful for him, by action of debt or otherwise, to recover said taxes from his landlord, or at his election to defalcate the amount thereof in the payment of the rent due to such landlord, unless such defalcation or recovery would impair any contract or agreement between them previously made. The tenant in possession to be liable for the tax, &c.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the twenty-fifth section of the act for raising county rates and levies, passed the eleventh day of April, one thousand seven hundred and ninety-nine, and so much of any other act of assembly as is hereby altered or supplied, be and they are hereby repealed; but nothing in this act contained shall be construed to impair or in any wise affect the act, entitled "An act prohibiting the commissioners of the respective counties of this commonwealth from selling, for a limited time, unseated lands for taxes," passed the eighth day of February in the present year. (s) Repealing clause.

Passed 3d April, 1804.—Recorded in Law Book No. X. page 37.

(s) See "An act enjoining certain duties on the holders of land warrants not executed, and on the holders of unseated lands," passed 4th April, 1805, (chap. 2590,) and the supplement thereto, passed 28th March, 1806, (chap. 2709.)

By an act to alter and amend the act in the text, passed 4th April, 1809, the several powers vested in, and duties enjoined on the respective sheriffs, are transferred to, and to be performed by the county treasurers, respectively, un-

der the same obligations and restrictions to which the said sheriffs are by law subjected, and the sales made by them shall be as valid as the sales made by the sheriffs, and the fees are to be as follow—

For selling every tract of land, or part thereof as the case may require, 25 cents; writing and signing every deed, 125 cents; acknowledging every deed, 25 cents; for writing and filing every bond to secure the purchase money, 25 cents.

A C T S

OF THE

General Assembly of Pennsylvania.

Passed at a session which was begun and holden at Lancaster on Tuesday, December 4th, 1804, and from thence continued until April 4th, 1805, (inclusive.)

THOMAS M'KEAN, GOVERNOR.

ROBERT WHITEHILL, Speaker of the Senate until March 30th, 1805,
when he was succeeded by John Steele.
SIMON SNYDER, Speaker of the House of Representatives.

1805.

CHAPTER MMDXIII.

An ACT to regulate the payment of costs on indictments.

WHEREAS experience has proved, that the laws obliging the respective counties to pay the costs of prosecutions, in all criminal cases, where the accused is or are acquitted, have a tendency to promote litigation : inasmuch as they enable restless and turbulent people to harass the peaceable part of the community, with trifling, unfounded, or malicious prosecutions at the expense of the public : Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the first of November next, in all prosecutions, cases of felony only excepted, if the bill or bills of indictment shall be returned "ignoramus" the grand jury who returns the same shall decide and certify on such bill, whether the county or the prosecutor shall pay the costs of prosecution ; and in all cases of acquittals, by the petit jury, on indictments for the offences aforesaid, the jury trying the same shall determine, by their verdict, whether the county or the prosecutor, or the defendant or defendants, shall pay the costs of prosecution ; and the jury so determining, in case they direct the prosecutor to pay the costs, shall name him or them in their return or verdict.

Of the payment of costs on indictments where the bill is returned "ignoramus," and where there is an acquittal, by the petit jury.

How the prosecutor, in certain cases, shall be compelled to pay them.

SECT. II. *And be it further enacted by the authority aforesaid, That* whenever any jury shall determine, as aforesaid, that the prosecutor or prosecutors shall pay the costs, the court in which the said determination shall be made, shall forthwith pass sentence to

that effect, and order him, her or them committed to the gaol of the county until the costs are paid, unless he, she or they give security to pay the same within ten days. 1805.

SECT. III. *And be it further enacted by the authority aforesaid,* That when a number of persons shall be charged and tried upon one indictment, such costs shall be taxed, as if the name of one person only was contained in the said indictment; any law, usage or custom to the contrary notwithstanding. Of taxing costs, where several persons are included in one indictment.

SECT. IV. *And be it further enacted by the authority aforesaid,* That this act shall be and continue in force during the term of three years, and from thence to the end of the next session of the General Assembly. (t)

Recorded in Law Book No. X. page 45.

(t) This act had been presented to the Governor for his approbation and signature at the close of the preceding session. The Legislature not remaining in session ten days thereafter, on the fifth day of the following session, viz. on the 8th day of December, 1804, the Governor returned the bill without his signature which not being within three days after the meeting of the Legislature, it became a law, December 7th, 1804. Journals of the House of Representatives, 1804-5, page 28—Journals of Senate, 1804-5, page 30. See a declaratory and explanatory supplement to this act, post. (chap. 2570.) (Note to former edition.)

CHAPTER MMDXIV.

An ACT erecting a new election district in the county of Centre.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, all Miles township agreeably to the present boundaries thereof, including all that part of Sugar Valley which falls into Centre county, shall be an election district, to be called the sixth election district, and the electors thereof shall hold their general elections at the house now occupied by Nicholas Gast, in said district. Sixth election district erected in Centre county.

Passed 8th January, 1805.—Recorded in Law Book No. X. page 46.

CHAPTER MMDXV.

An ACT enlarging the bounds of the ninth election district, in the county of Washington.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the following bounds, in the county of Washington, from and after the passing of this act, shall be included in and annexed to Stephenson's election district, *to wit*: Beginning at the line between Washington and Green counties, on the ridge that divides the waters of Ten-mile and Wheelen creek, near Jacob Bobbett's; thence along Enlargement of Stephenson's election district, in Washington county.

1805. said line to the head waters of Hunter's Fork of Wheelen creek ; thence down the same to the mouth thereof ; thence down Wheelen creek to the state line ; thence north along said line to Buffaloe creek ; thence up said creek to the mouth of Buck run ; thence along the line that divides Buffaloe and Donnegal townships to Finley township ; thence along the line that divides Finley and Buffaloe townships to Morris township ; thence along the line that divides Morris and Finley townships to the place of beginning ; and the electors of the said district shall hold their general elections at the house formerly appointed by law.

Passed 8th January, 1805.—Recorded in Law Book No. X. page 47.

CHAPTER MMDXVI.

[Ante, page 148.]

A SUPPLEMENT to the act, entitled "An act to incorporate the Philadelphia Bank."

WHEREAS the third section of the act to which this is a supplement, in the sixteenth and seventeenth articles thereof, imposes certain restrictions on the directors, relative to the dividends of the profits of said bank : And whereas by the fifth section of the said act, the said bank is bound to pass to the credit of the commonwealth of Pennsylvania, the sum of one hundred and thirty-five thousand dollars, as the gratuity to the state for the charter, which credit has accordingly been passed.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the debt incurred, on account of the gratuity aforesaid to the state, shall not be considered as impairing the capital stock of the bank, so far as to incapacitate the directors, at the periods indicated by law, from making dividends from and out of the ordinary profits : the restrictions in section the third, articles the sixteenth and seventeenth of the said act notwithstanding. And the said directors are hereby authorized and required gradually to restore the deficiency in the capital, occasioned by the said gratuity by such reservations out of the ordinary profits of the bank, as they from time to time, shall think expedient, just and reasonable : *Provided, That* such restoration shall be fully accomplished and completed within seven years from and after the passing of this act.

Passed 8th January, 1805.—Recorded in Law Book No. X. page 47.

CHAPTER MMDXVIII.

An ACT to erect Donegal township, in the county of Lancaster, into a separate election district.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That*

The gratuity to the state from the Philadelphia Bank not to be considered as impairing its capital, so as &c.

[Post. chap. 2333.]

from and after the passing of this act, the township of Donegal, in the county of Lancaster, shall be a separate election district, to be called the tenth district, and the electors thereof shall hold their general elections at the house of Frederick Gelbaugh, in the village of May-town, and township of Donegal; any law to the contrary notwithstanding.

1805.
Tenth election district, in Lancaster county, established.

Passed 8th January, 1805.—Recorded in Law Book No. X. page 49.

CHAPTER MMDXIX.

An ACT establishing an academy in the town of Bellefont, in Centre county.

SECT. 1. [AN academy established in Bellefont, Centre county, by the name of "Bellefont Academy." 2. First trustees named, and declared to be one body politic by the name of "The Trustees of Bellefont Academy," with the usual corporate powers. 4. Where the trustees shall hold their first meeting; seven to be a quorum to transact business, make by-laws, &c. by-laws shall have no force, if contrary to the constitution, and laws of the United States, or of this state. 5. A regular account to be kept of the proceedings of the corporation. Misnomers thereof not to defeat any gift, &c. thereto. Nor any disuser or nonuser of its rights, &c. cause a forfeiture. 6. Limitation of time for controverting, "bona fide," sales of real estates by said corporation. 7. Certain property heretofore granted to the trustees of Centre county given to the academy.] (u)

Passed 8th January, 1805.—Recorded in Law Book No. X. page 49.

(u) See vol. 3, page 409, sect. 9, for the erection of a building, and a number of poor children, not greater than six at any one time, to be admitted academy, out of the public treasury, gratis.

CHAPTER MMDXXI.

An ACT erecting the township of Franklin, in Fayette county, into a separate election district.

SECT. 1. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the township of Franklin, in the county of Fayette, shall be a separate election district, to be called the seventh district, and the electors thereof shall hold their general elections at the house now occupied by John Freeman, in said township; any law to the contrary notwithstanding.

Franklin township, in the county of Fayette made a separate election district, and place of holding elections.

Passed 1st February, 1805.—Recorded in Law Book No. X. page 54.

1805.

CHAPTER MMDXXVI.

[Ange. pa.
181.]

A SUPPLEMENT to an Act, entitled, an Act conferring certain powers on the Commissioners of Berks county, and for other purposes.

SECT. 2. [THE commissioners of Berks county empowered to receive arrears of taxes, &c. for the purposes in the original act.]

Passed 11th February, 1805.—Recorded in Law Book No. X. page 75.

CHAPTER MMDXXVIII.

An ACT to erect Buffaloe Township, in the County of Cumberland; into a separate election district.

Buffaloe
township, in
Cumberland
county erect-
ed into an
election dis-
trict.

SECT. 1. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the township of Buffaloe, in Cumberland county, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by William Thompson, in Buffaloe township aforesaid; any law to the contrary notwithstanding.

Passed 11th February, 1805.—Recorded in Law Book No. X. page 58.

CHAPTER MMDXXXI.

An ACT directing the mode of filling vacancies in the representation of this state in the House of Representatives of the United States.

WHEREAS it is provided by the second section of the first article of the constitution of the United States, "That when vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies:" And whereas the fourth section of the said article provides, "That the times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the Legislature thereof:" Therefore,

SECT. 1. Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That when any vacancy shall happen by death, resignation or otherwise, in the representation of the people of this state in the House of Representatives of the United States, the Governor of this commonwealth shall issue his writ, or writs, to the Sheriff, or Sheriffs, of the county, or counties, of which the congressional district is composed, commanding such Sheriff, or Sheriffs, on a certain day therein particularly expressed, to hold an election to supply such vacancy; and such writ, or writs, so issued by the Governor, shall be

The Govern-
or to issue
his writ to
supply vac-
ancies hap-
pening by
death, or
otherwise,
in the repre-
sentation of
this state in
the House of
Representa-
tives of the
United
States.

delivered to the Sheriff, or Sheriffs to whom the same may be directed, at least twenty days before the day appointed for such election, who shall forthwith give due and public notice thereof throughout the county at least fifteen days before such election, and shall send a copy thereof to one or more of the judges of each election district therein; and such elections shall be holden and conducted in the same manner, and under the care and regulation of the same officers who conducted the next preceding annual election; subject to the same penalties as are or hereafter may be inflicted on delinquent election officers.

1805.

Period with in which such writ shall be delivered to the sheriff, of the proper district.

Manner of conducting such elections.

Passed 18th February, 1805.—Recorded in Law Book No. X. page 60.

CHAPTER MMDXXXIII.

A further SUPPLEMENT to the act, entitled, an Act to incorporate the City of Philadelphia.

[Original act, vol. 2, pa. 462.]

WHEREAS by the removal of the seat of government from the city of Philadelphia, it has become inconvenient to present the Mayor elect to the Governor, to take the oath or affirmation prescribed by law, previously to his entering upon the duties of the said office: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for any of the Judges of the Supreme Court, or the President of the Court of Common Pleas of the first district, to administer the oath or affirmation prescribed by law, to the Mayor elect, previously to his entering upon the duties of the said office.

Any Judge of the Supreme Court, or President of the Pleas, empowered to administer the oath of office to the Mayor.

SECT. II. *And be it further enacted by the authority aforesaid,* That in case of the indisposition of the Mayor, or of his absence from the said city, it shall and may be lawful for the Recorder, or any of the Aldermen of the said city, to administer an oath or affirmation to each of the members elect of the Select and Common Councils, well and faithfully to execute the duties of the respective offices to which they may have been elected.

Of administering the oath or affirmation to the members elect of the Select and Common Councils.

SECT. III. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, no Alderman of the city of Philadelphia, nor any person holding an office of trust or profit under the laws of this commonwealth, or the ordinances of the Select and Common Councils, the emolument whereof is paid out of the treasury of the said city, shall be competent to serve as a member of the Select or Common Councils.

Who may not serve as members of the Select and Common Councils.

Passed 18th February, 1805.—Recorded in Law Book No. X. page 62.

1805.

CHAPTER MMDXXXIV.

An ACT for the relief of the Children of John Maxwell, deceased. (x)

Passed 18th February, 1805.—Recorded in Law Book No. X. page 63.

(x) The estate of John Maxwell, children; subject to the debts, &c. of deceased, supposed to have escheated John Maxwell. (Note to former edition.)

CHAPTER MMDXXXVII.

An ACT for the more effectual prevention of excessive and deceitful gaming, and to prevent unlawful sales of chances of lottery tickets, and to prevent insuring for or against the drawing of such tickets.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, all and every person and persons who shall, by himself, herself, or themselves, or by any other person or persons, or for his, her, or their own account, or for or on the account, or as the servant, agent or factor of any person or persons, sell, or cause or procure to be sold the chance or chances of any ticket or tickets, in any lottery or lotteries, allowed, or which shall hereafter be allowed, by the laws of this commonwealth, or any share or shares thereof, for a day or a part of a day, or any less time than the whole time of drawing, in any such lottery then to come, or insure, or cause or procure any other person or persons to insure, for or against the drawing of any such ticket or tickets, or shall receive any money, or goods whatsoever, in consideration of any agreement, or promise to repay any sum or sums of money, or to deliver the same, or any other goods whatsoever, if any such ticket shall prove fortunate or unfortunate, or upon any other chance or chances, event or events, contingency or contingencies, relative or applicable to the drawing of any such ticket or tickets, whether as to the time of their being drawn, or otherwise howsoever upon being thereof convicted, shall forfeit and pay for each and every such offence, a sum not less than twenty nor exceeding one hundred dollars; to be recovered, as debts are by law recoverable; the one moiety thereof to go to the use of the poor of any city or county (as the case may be) in which such offence was committed: and the other moiety thereof to the person or persons who shall prosecute for the same.*

Passed 2d March, 1805.—Recorded in Law Book No. X. page 69.

CHAPTER MMDXXXVIII.

An ACT perpetuating and enlarging the corporate powers of the borough of Union town, in the county of Fayette.

SECT. 1. [THE borough perpetuated by the name of "The Borough of Union-town," and its boundaries described. 2. All

Penalty on persons selling, or procuring to be sold, chances in lottery tickets, &c.

* See vol. 1, pa. 246, and vol. 3, pa. 60.]

persons entitled to vote for members of the legislature, who have resided in said borough six months previous to the election, may vote for borough officers. Time and place of electing officers, on the first Monday in May, annually, at the court-house. Officers to be chosen, and mode of conducting the election prescribed. Where two or more candidates have an equal number of votes, the preference is to be determined by lot, to be drawn by the Judges and Inspector;—and of supplying vacancies occasioned by death, resignation, &c. 3. The borough officers, and their successors, created a body politic, by the name and style of “The Burgess and Town Council of the Borough of Union-town,” with the usual corporate powers. 4. Penalty on persons, duly elected borough officers, refusing or neglecting to serve, and appropriation of fines and forfeitures incurred under this act, to the use of the corporation. 5. Qualifications of the burgess, town council, and high constable, to support the constitution of the United States and of this state, and to perform the duties of their respective offices with fidelity, to be taken before any Justice of the Peace of the county. 6. The town council authorized, from time to time, to enact by-laws; to regulate the market, streets, alleys, &c. to assess and appropriate taxes; to appoint a town clerk, &c. but no by-law, &c. to be repugnant to the constitution or laws of the United States or this state, &c. The amount of taxes not to exceed one half cent in the dollar, in any one year, unless, &c. 7. Powers and duties of the burgess prescribed, and to have jurisdiction in all disputes between the corporation and individuals. Duties of the town clerk prescribed.—To keep the common seal, records of the corporation, &c. 9. Duties of the state treasurer prescribed. 10. The several officers appointed by the corporation, to render their accounts annually to the council, for settlement, &c. The high constable to give notice of the elections, &c. 12. Persons feeling themselves aggrieved, &c. may appeal to the Court of Quarter Sessions. 13. Repeal of a former act, (chap. 1899, vol. 3, page 275.)]

Passed 2d March, 1805.—Recorded in Law Book No. X. page 70.

CHAPTER MMDXL.

An ACT for the electing and appointment of constables in the boroughs of Reading and Lancaster.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the electors, residing in the borough of Reading, in the county of Berks, shall on the third Saturday of March, yearly, and every year hereafter, elect four suitable persons, being citizens of said borough, for the office of constable in addition to the usual number heretofore elected, and shall return the names of the persons so elected to the next General Court of Quarter Sessions of the Peace to be holden for the county of Berks, and the court shall appoint any two of them constables for the said borough, and the persons so elected and appoint-

Four additional persons to be annually elected for the office of constable in the borough of Reading; any two of whom may be appointed by the court of quarter sessions.

1805.

Penalty on persons so appointed refusing to serve.

Of supplying vacancies.

Number of persons to be elected for said office in the borough of Lancaster, &c.

ed shall, in case of refusal to serve, be subject to like penalties as by law are already imposed, and in case of any vacancy by death, removal or otherwise, the court shall appoint, in the usual manner, another person to serve the said office, for and during the term which the person in whose room he was appointed was to have served, who shall hold such office subject as aforesaid.

SECT. II. *And be it further enacted by the authority aforesaid,* That the electors, residing in the borough of Lancaster, in the county of Lancaster, shall, on the third Saturday of March, yearly, and every year hereafter, elect four suitable persons, being citizens of said borough, for the office of constable, and shall return the names of the persons so elected to the next General Court of Quarter Sessions of the Peace to be holden for the county of Lancaster, and the court shall appoint two of them constables for the said borough, and the person so elected and appointed shall in case of refusal to serve, be subject to like penalties as by law are already imposed, and in case of any vacancy by death, removal or otherwise, the court shall appoint, in the usual manner, another person to serve the said office for and during the term which the person in whose room he was appointed was to have served.

Passed 2d March, 1805.—Local Act.—Recorded in Law Book No. X. page 75.

CHAPTER MMDXLI.

[See vol. 3, pa. 421.]

An ACT to organize the provisional county of Armstrong.

The county of Armstrong to enjoy all the rights and privileges enjoyed by other counties,

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first Monday of November next, the inhabitants of the county of Armstrong shall enjoy all and singular the jurisdiction, powers, rights, liberties and privileges, within the same, which the inhabitants of other counties in this state do enjoy by the constitution and laws of this commonwealth.

What actions pending in the courts of Westmoreland county shall be transferred to the courts of Armstrong county.

SECT. II. *And be it further enacted by the authority aforesaid,* That actions of trespass and ejectment for the trial of titles to land, actions of trespass *quare clausum fregit*, for entry into any lands or tenements within the county of Armstrong, which shall, at the time of passing this act, or before the first Monday of November next, have been commenced in the Court of Common Pleas or Circuit Court of Westmoreland county, and which shall, on the said first Monday of November next, be still pending and undetermined, shall be transferred to the Court of Common Pleas and Circuit Court of Armstrong county, there to be proceeded on to trial and determination according to law, in the same state, and subject to the same rules, as they or any of them were on the said Monday, and the prothonotary of Westmoreland county shall, and he is hereby required and enjoined, within thirty days after the said first Monday of November next, to make out a docket, containing a statement of all such actions then pending and undetermined in the said

Duties enjoined on the prothonotary of Westmoreland county.

1805.

county of Westmoreland, and shall have the said docket, together with the records, declarations and other papers respecting all such actions then pending and undetermined as aforesaid, ready to be delivered to the prothonotary of Armstrong county, who, before he receives the same, shall pay to the prothonotary of Westmoreland county, for every action contained in said docket, the usual fees allowed for similar services, which shall be reimbursed to him by the county of Armstrong, and all such actions so pending and undetermined as aforesaid, and transferred as aforesaid, by the prothonotary of Westmoreland county to the prothonotary of Armstrong county, shall be considered as pending in the Court of Common Pleas and Circuit Court of Armstrong county, from and after the first Monday of November next, as if they had been originally commenced in said county, and the prothonotary of Armstrong county shall account upon the receipt of the costs of all such actions, or any of them, to the prothonotary of Westmoreland county for all legal fees incurred in the county of Westmoreland, on such actions, or any of them, and no action or suit, other than the said actions of trespass and ejectment, or trespass *quare clausum fregit* now commenced, or which may be commenced, in the county of Westmoreland, before the first Monday of November next, against any person living or residing in Armstrong county shall be stayed, discontinued or affected by this act, or any thing herein contained, but the same may be prosecuted in the same manner as if this act had not been passed.

Fees to be paid him by the prothonotary of Armstrong, to be reimbursed by said county.

Prothonotary of Armstrong county further to account with the prothonotary of Westmoreland.

SECT. III. *And be it further enacted by the authority aforesaid,* That the sheriff, coroner and other public officers of Westmoreland county shall continue to exercise the duties of their respective offices within the county of Armstrong, as heretofore, until the first Monday of November next.

Sheriff, &c. of Westmoreland, to act within Armstrong county until the first Monday in November next. County officers to give security.

SECT. IV. *And be it further enacted by the authority aforesaid,* That sheriffs, coroners, treasurers and all such other officers as have heretofore usually given bail for the faithful discharge of the duties of their respective offices, who shall be hereafter elected or appointed in the county of Armstrong, before they enter on the duties of their offices, shall give sufficient sureties in the like sums, and in the like manner and form, and for the like purposes, uses and trusts, as such officers are obliged to do in the county of Crawford, or for such sums, or in such manner as may hereafter be directed by law.

SECT. V. *And be it further enacted by the authority aforesaid,* That all taxes laid or directed to be laid within the county of Armstrong, before the passing of this act, shall be laid, assessed, levied and collected in like manner as if this act had not been passed, and all sums of money due this commonwealth for militia fines in the said county of Armstrong, and arrearages of taxes, shall be collected and recovered in the same manner as if this act had not been made.

Of assessing and levying taxes within the county of Armstrong.

SECT. VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners that may be hereafter elected for the county of Armstrong, to erect or cause to be erected as soon as they may deem convenient, a court-house, prison, and public buildings for the safe-keeping of the records and

Of the public buildings to be erected in said county.

1805.

Of liquidat-
ing and set-
tling the bal-
ance of coun-
ty taxes be-
tween the
counties of
Westmore-
land and
Armstrong.

papers in the county aforesaid, on such parts of the public square in the town of Kittanning, in the county of Armstrong, as the commissioners of said county may think proper; and the commissioners of Westmoreland and Armstrong counties are hereby directed to examine, liquidate and settle the accounts which have been kept of the county taxes, agreeably to an act of the General Assembly of this commonwealth, passed the twelfth day of March, one thousand eight hundred, and on having ascertained the balance which may be due from either county to the other, the commissioners of the debtor county shall draw an order on their treasurer, directing him to pay the treasurer of the creditor county the balance which shall be so found due.

A temporary
house to be
procured for
holding the
county
courts.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the commissioners of Armstrong county shall have power to procure a house in or as near the town of Kittanning, as convenience will admit, at the least possible expense, in which the courts of said county shall be held until a court-house is erected, or if such house cannot be conveniently procured, the aforesaid commissioners shall have power to erect temporary buildings in said county, for that purpose.

Of the elec-
tion of coun-
ty officers,
&c.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the citizens, inhabitants of Armstrong county, who are or shall be qualified to elect, agreeably to the laws and constitution of this state, shall at the general election to be held in the county aforesaid, on the second Tuesday of October next, choose two fit persons for sheriffs, two for coroners, and three for commissioners in said county, in the same manner, and under the same regulations and penalties, as by the constitution and laws of this commonwealth, similar officers are chosen in other counties; and said officers when chosen as aforesaid and duly qualified to enter on the duties of their respective offices, shall have and enjoy all and singular the powers, authorities, privileges and emoluments, in or any way arising out of their respective offices, in and for the county aforesaid, as fully as such officers are entitled to in any of the counties within this commonwealth.

Times of
holding the
county
courts, &c.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the Courts of Common Pleas and Quarter Sessions of the Peace for the county of Armstrong, shall from and after the first Monday of November next, commence and be holden on the second Monday after the courts in Westmoreland county, and the Judges of the Supreme Court, the President of the fifth circuit or district, and the Judges to be appointed in the said county of Armstrong, shall have and exercise like powers, jurisdictions and authorities within and over the same as are or may be warranted to and exercised by the Judges in other counties within this state. (y)

Repealing
clause.

SECT. X. *And be it further enacted by the authority aforesaid,* That every law, or part of any law, which is by this act altered or supplied, shall be so far and no farther repealed and made void.

Passed 2d March, 1805.—Recorded in Law Book No. X. page 76.

(y) See the act passed February 24th, 1806.—Somerset, Cambria, Indiana, Armstrong and Westmoreland, formed into the tenth district, and the arrangement for holding the courts altered. (Note to former edition.)

CHAPTER MMDXLIII.

1805.



An ACT empowering the commissioners of Beaver and Butler counties to collect certain arrearages of county taxes.

The commissioners of Beaver and Butler counties authorized to recover and collect arrearages of taxes, &c.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the commissioners of the counties of Beaver and Butler respectively, and their successors in office, shall be, and they are hereby authorized and empowered to recover and collect the arrearages of taxes due on unseated lands in said counties, which taxes remained unpaid at the time of their organization, and, if necessary to proceed and sell the said lands, or any part of them respectively, to discharge the taxes due as aforesaid; subject to the rules, regulations and restrictions provided by an act of Assembly passed April the third, one thousand eight hundred and four, entitled "An act directing the mode of selling unseated lands for taxes;" which sales, thus made and conducted, and the titles made by virtue of the same, shall be valid in law to all intents and purposes.

Passed 2d March, 1805.—Recorded in Law Book No. X. page 80.

CHAPTER MMDXLV.

An ACT directing the sale of certain town-lots in the town of Beaver, and other land adjacent thereto. (See vol. 3, page 56.)

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* John Laurence, of the borough of Beaver, Samuel Wilson and David Potter, of the county of Beaver, be, and they are hereby authorized and empowered to sell and dispose of, at public sale, on or before the second Wednesday of June next, one-fourth of the town-lots, the property of this commonwealth, in the town of Beaver, in the county of Beaver, excepting those heretofore reserved for public uses; and also to sell, as aforesaid, one-fourth of the reserved tract of land at the mouth of Big Beaver creek; to be sold in lots of not less than five or more than ten acres each, in such manner as to them, or a majority of them, may appear to be most advantageous to the commonwealth; public notice of the said sale being previously given, at least six weeks before the day of sale, in one newspaper printed in Philadelphia, one in Washington, and one in Pittsburgh; and on the day appointed for the sale of the said lots, the said commissioners, or a majority of them, shall attend and publish the conditions of the sale, which shall be as follows, viz. One moiety of the purchase money shall be paid on the day of sale, to the commissioners, or one of them, or within ten days thereafter; and the other moiety thereof in two years thereafter to the Receiver-General; at which time a patent or patents shall be issued to the purchaser or purchasers of the lots so sold: *Provided, That every such purchaser shall, within three years from the*

John Laurence and others empowered to dispose of, at public sale, one-fourth of the town lots, the property of the commonwealth, in the town of Beaver.

Six weeks previous notice to be given of said sale, and conditions to be made known on the day of sale, by the commissioners.

1805. time of sale, build or cause to be built on such town lot, so sold as aforesaid, a house of at least one story high, measuring not less than twenty-four feet by eighteen, having a chimney therein, and fit for the accommodation of a family, otherwise the money paid shall be forfeited, and the lot or lots so remaining unimproved shall again revert to the commonwealth.

Duties enjoined on the Surveyor-General and the commissioners; and compensation to the commissioners for their services under this act.

SECT. II. *And be it further enacted by the authority aforesaid,* That previously to the said sales, the Surveyor-General of this commonwealth shall, and he is hereby required to transmit to the said commissioners, or to one of them, a draft of the said lots; and the said commissioners, on the completion of the said sales, shall transmit a statement thereof, and the monies arising therefrom, to the Receiver-General, and the drafts of the said lots to the Surveyor-General; for which services, and all others enjoined on them by this act, the said commissioners shall each of them receive two dollars a day, for each and every day they may be employed in performing the duties enjoined on them by this act; for which daily pay, and the costs and charges of advertising the said lots, the Governor is hereby empowered to draw a warrant on the state treasurer, who shall pay the same out of any unappropriated monies in the treasury of this commonwealth.

Commissioners to give bond, with sureties, &c.

SECT. III. *And be it further enacted by the authority aforesaid,* That each of the said commissioners, before he enters on the duties enjoined on him by this act, shall, before the prothonotary of the county of Beaver, give bond, with two sufficient sureties, to the Governor, in a sum not less than three thousand dollars, conditioned for the true and faithful performance of their respective trusts; which bond shall be deposited in the office of the said prothonotary.

Passed 2d March, 1805.—Recorded in Law Book No. X. page 81.

CHAPTER MMDXLVII.

An ACT authorizing the Governor to incorporate a company for making an artificial road from the river Schuylkill at Reading, in the county of Berks, to or near Hummelstown, in the county of Dauphin.

SECT. 1. [COMMISSIONERS appointed to open books and receive subscriptions to the Berks and Dauphin turnpike road. Form of subscription prescribed. Notice of the times and places of subscription to be published. Who may subscribe. Subscribers to make a deposit of five dollars for every share subscribed. 2. When a charter of incorporation may be obtained. Style of the corporation to be "The President, Managers and Company of the Berks and Dauphin Turnpike Road," and to have the usual corporate powers. 3. The seven first named in the charter to notify the stockholders to meet for the purpose of organizing the corporation. Officers to be chosen. Number of votes limited. 4. Annual or special meetings of the company to be fixed by the by-laws. And powers of the company at such meetings. 5. Certificates of shares to be issued to the subscribers. Certificates transferable. 6. Meet-

ings of the president and managers, and proceedings at such meetings; five members to form a quorum. 7. Regulations in case of neglect to pay the subscription money. 8. The president, managers, &c. may enter lands over which the road may pass, &c. And survey the route or track of the road, and 9. May enter upon lands near the track of said road to take materials; first giving notice to the owners and making compensation for materials or damage. 10. The road to be laid out, made and kept in repair. But any damage to private property to be assessed and paid for; and the court may appoint viewers to ascertain the damage, &c. 11. When turnpikes may be erected and tolls collected. 12. Toll-gatherers to be appointed, and rates of toll prescribed. But no toll shall be demanded from any person passing or repassing from one part of his or her farm to another, or going to, or returning from public worship, funerals, or militia duty. 13. Regulations of the burthen of carriages to be drawn along said road. 14. Comparative toll for oxen, mules and horses.]

SECT. XV. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good and perfect order and repair, for the space of five days, and information thereof shall be given to any Justice of the Peace of the neighbourhood, such Justice shall issue a precept, to be directed to any constable, commanding him to summon three disinterested freeholders, to meet at a certain time in the said precept to be mentioned, at the place in the said road which shall be complained of, notice of which meeting shall be given to the keeper of the gate or turnpike nearest thereto, and the said Justice shall, at such time and place, by the oaths or affirmations of the said freeholders, enquire whether the said road or any part thereof, is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made, under the hands of himself and a majority of the said freeholders; and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said Justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes and gates, for passing the interval of road between them shall cease to be demanded, paid or collected until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid; and if any of the keepers of the gates aforesaid shall take or attempt to exact tolls for the intermediate distance aforesaid, until the same is put in repair, such keeper shall forfeit and pay, to any person who may sue for the same, five dollars, to be recovered as debts of equal amount are or may be by law recoverable; and if the same shall not be so put into good and perfect order and repair before the next general Court of Quarter Sessions of the Peace to be held for the county wherein the said defective part or parts of the said road shall be, the aforesaid Justice shall certify and send a copy of the inquisition aforesaid to the Justices of the said court, and the said Justices shall thereupon cause process to issue, and bring in the body or bodies of the person or

Proceedings
in case the
road is not
kept in re-
pair.

1805.

persons entrusted by the company with the care and superintendence of such part of the said road as shall be so found defective, and shall direct a bill of indictment to be sent to the grand inquest against the person or persons interested as aforesaid; and upon conviction, the said court shall give such judgment according to the nature and aggravation of the neglect, as according to right and justice may be proper; and the fines and penalties so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed; to be applied to repairing such highways as the township or county is bound to maintain and repair at the public expense thereof.

Mode of recovering forfeitures in such case.

Appropriation of the same.

Penalty for attempting to evade the payment of tolls.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That if any person or persons whomsoever, owning, riding in, or driving any sulkey, chair, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, or owning, riding, leading or driving any horse, mare or gelding, or driving any hogs, sheep or other cattle, shall therewith pass through any private gate or bars, or along or over any private passage, way or other ground near to or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company, and evade the payment of the toll or duty for passing through any such gate or turnpike; or if any person or persons, with such intent, take off, or cause to be taken off, any horse, mare, gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, or practise any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person and persons, in all or any of the ways or manners aforesaid, offending, shall for every such offence, respectively forfeit and pay to the president, managers and company, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit, before any Justice of the Peace, in like manner and subject to the same rules and regulations as debts of an equal amount may be sued for and recovered.

And how to be recovered.

SECT. 17. [Accounts of subscriptions to be kept; and annually submitted to the stockholders. If the capital stock shall be found insufficient, it may be increased by new subscriptions. 18. Accounts of tolls to be kept; and dividends made of the profits. 19. Triennial accounts of the corporation to be exhibited to the Legislature. And if in a certain time the profits will not yield six per cent. the toll may be increased; but when it exceeds nine per cent. the surplus to be applied in purchasing off the shares. 20. Direction posts to be erected on said road.]

And mile-stones.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That the said company shall cause mile-stones to be placed on the side of the said road, beginning at the distance of one mile from the river Schuylkill aforesaid, and then extending to the termination of the turnpike aforesaid, whereon shall be marked in plain legible characters, the respective number of miles which each stone is distant from Reading and Harrisburg, and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from

Reading aforesaid, and the distance from the nearest gates or turn-pikes in each direction, to be marked in legible characters, designating the number of miles and fractions of a mile on the said gates or some other conspicuous place, for the information of travellers using the said road; and if any person shall wilfully destroy the said posts, boards, index-hands or mile-stones, or deface the same or deface the directions made on the said gates or other conspicuous places as aforesaid, such person being convicted thereof, by the evidence of one or more credible and disinterested witness or witnesses, before any disinterested Justice of the Peace of the county where any of the said posts, boards, index-hands, mile-stones and directions on the said gates or other conspicuous places, shall be destroyed or defaced, he shall be adjudged by the said Justice to pay a fine not exceeding ten dollars, to be recovered with costs, as debts of equal amount are or may be by law recoverable; which fine when recovered, shall be paid by the said Justice to the treasurer of the said company for the use of the company.

Penalty for destroying or defacing direction boards or mile-stones.

How to be recovered.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That all waggoners and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, shall, except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of said road in the passing direction, leaving the other side of the road free and clear for other carriages to pass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be obstructed in his passage and will sue for the same, to be recovered with costs before any Justice, in the same manner as debts of equal amount are or may be by law recoverable.

Waggoners, &c. to keep to the right hand side of the road.

Penalty for offending against this provision.

SECT. 23. [Limitation of time for beginning and for completing said road. 24. Provision in case the Legislature should wish to purchase the road.]

Passed 2d March, 1805.—Recorded in Law Book No. X. page 84.

CHAPTER MMDXLVIII.

An ACT releasing all Claims of the Commonwealth to the Lands contained within the Borough of York. (z)

Passed 7th March, 1805.—Recorded in Law Book No. X. page 95.

(z) The object of this act was to enable the inhabitants of the borough of York, to complete a contract with the agent of the late proprietors: "Provided always, That nothing herein contained shall ever be construed to relinquish or impair any right or interest the state may have in and to any lands within the bounds of the reputed manor

of Springetsbury, other than those within the borough aforesaid, nor as a guarantee of the state to the lands or lots within the borough aforesaid, nor to defeat and impair the claim or title of any person or persons to the lands or lots within the borough aforesaid."

(Note to former edition.)

1805.

CHAPTER MMDXLIX.

An ACT authorizing the Governor to appoint Commissioners to ascertain the best mode of improving the Navigation of the River Ohio.

The Govern-
or autho-
rized to ap-
point com-
missioners to
view the rap-
ids of the
river Ohio,
&c.

When and
where said
commission-
ers shall
meet.

Their duties
and compen-
sation.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the Governor be, and he is hereby authorized and required to appoint two commissioners on the part of this commonwealth, to join with commissioners to be appointed by the states of Virginia, Kentucky and Ohio, respectively, (if those states shall appoint such commissioners) to view the rapids of the river Ohio, and consider the proper means of opening and improving the navigation of the same; and also to obtain as nearly as may be, an estimate of the expense necessary for that purpose, and the reasonable proportion to be advanced by each state, according to the probable advantages they may respectively receive; which commissioners thus appointed, shall meet at such time and place as the executives of the several states concerned shall appoint, and the commissioners appointed on the part of this state, after having attended to the duties of their appointment, shall report the result thereof to the Governor of this commonwealth, in order that he may lay the same before the Legislature for their approbation; and the commissioners aforesaid shall receive the sum of four dollars per day, for each day necessarily spent in that service, to be paid by warrants drawn by the Governor on the treasurer of this commonwealth.*

Passed 7th March, 1805.—Recorded in Law Book No. X. page 96.

CHAPTER MMDL.

[Original
act, ante,
pa. 27.]

A SUPPLEMENT to the Act, entitled, "An act to enable the Governor of this commonwealth to incorporate a Company for making an artificial Road, from the Intersection of Front-street and the German town Road, in the Northern Liberties of the City of Philadelphia, through Frankford and Bristol, to the Ferry at Morrisville on the River Delaware."

SECT. 1. [A SUBSTANTIAL bridge to be erected over Neshaminy creek, within four years, at least thirty feet wide, with a draw therein, &c. 2. Mode of procedure on the perfection of the bridge, by appointment of viewers, on whose report the Governor may grant a licence to collect tolls. 3. The property of the bridge is to be vested in the Frankford and Bristol turnpike road company; and the rates of toll over the bridge, prescribed. Penalty on exacting greater toll than herein granted. When militia men are exempted. 4. Two oxen estimated as equal to one horse in receiving tolls. 5. President, &c. shall lay before the Legislature an account of the cost of making the bridge.—Of keeping it in repair, &c. And of the income and profits annually. Excess of profit, appropriated to sink the capital, and when all the shares shall be purchased, the

bridge, &c. to be free. 6. Penalty on injuring the bridge or appurtenances.]

1805.

Passed 7th March, 1805.—Recorded in Law Book No. X. page 97.

CHAPTER MMDLI.

An ACT for the further regulation of the borough of Pittsburgh.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the inhabitants of the borough of Pittsburgh, who shall have resided within the same six months immediately preceding the election, and who shall in other respects be entitled to vote for members of the General Assembly, shall be fully competent to vote at the elections of officers for said borough.

Who shall be entitled to vote for borough officers.

Passed 7th March, 1805.—Recorded in Law Book No. X. page 100.

CHAPTER MMDLV.

An ACT to enable the Governor of this commonwealth to incorporate a company for the purpose of obtaining Slate from Quarries within the county of Northampton, suitable for roofing houses, and for other purposes.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions, and to give notice of the time and place of subscribing. The books to be kept open during a limited time. The amount of each share to be one hundred dollars, twenty dollars of which to be paid at the time of subscribing. The commissioners may adjourn from time to time until two hundred shares are subscribed, when the books shall be closed. When one hundred, or more, shares are subscribed, the commissioners to certify the same to the Governor, who shall thereupon incorporate the subscribers, by the name of "The President, Managers and Company for the purpose of obtaining Slate from quarries within the county of Northampton," to have perpetual succession, with the usual corporate powers and privileges; when, on notice given the subscribers to meet for the purpose of organizing the corporation, and choosing officers; no person to have more than five votes at any election, &c. The shares of stock to be transferable; and penalty prescribed for non-payment of the proportions of the capital stock.]

Passed 14th March, 1805.—Private Act.—Recorded in Law Book No. X. page 103.

CHAPTER MMDLVI.

A SUPPLEMENT to an act, entitled, "An Act to erect parts of Lycoming, Huntingdon and Somerset counties into separate county districts." [Original act, ante, pa. 170.]

WHEREAS it hath been represented to the Legislature, that doubts are entertained of the power and authority of the commis-

1805.

sioners of Centre county, to levy and assess taxes within the county districts of Clearfield and M'Kean, which were, by the act to which this is a supplement, annexed to Centre county; and as it has been represented that divers costs and expenses have accrued, and are likely to accrue, from the reward allowed for killing of wolves, the laying out and improving roads, bills of prosecution, &c. within said county districts, and which of right ought to be discharged by a tax drawn from said county districts: For remedy whereof,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the power and authority of the commissioners and other county officers of Centre county, shall extend over and be as full and effectual, to all intents and purposes, over and within the county districts of Clearfield and M'Kean, as at this time it is or ought to be in and over the county of Centre, and the inhabitants of the county districts of Clearfield and M'Kean, so long as they shall remain annexed to Centre county, shall, in common with the inhabitants of the said county of Centre, exercise and enjoy similar and equal rights and privileges, and shall be subject to similar regulations, in as full and ample a manner as if they now were a component part of Centre county. (a)

SECT. II. *And be it further enacted by the authority aforesaid, That* it shall be the duty of the commissioners and treasurer of Centre county to keep a separate and distinct account of the monies raised and collected from the county districts of Clearfield and M'Kean respectively, and shall therefrom pay and discharge all and singular the costs and expenses of levying, assessing and collecting the same, costs of prosecution chargeable to the county arising from suits instituted against persons within the said county districts, and all rewards for killing wolves and other animals of prey, and also all costs and expenses of laying out, opening and improving roads, as well as other costs and expenses incidental to the said county districts and the remainder or surplus thereof shall remain for the use of the county district in which it shall have been raised.

SECT. III. *And be it further enacted by the authority aforesaid, That* it shall be the duty of the recorder of deeds for Centre county to provide a separate book, or books, for the purpose of recording therein the deeds of lands lying within each of the said county districts, and shall therein enter and record all and every such deed or deeds as shall come to his hands to be recorded, and shall deliver over said books to the recorders of deeds of Clearfield and M'Kean counties respectively when such recorders shall or may be appointed and apply for the same.

SECT. IV. *And be it further enacted by the authority aforesaid, That* the county of Clearfield shall be an election district, and the electors thereof shall hold their general elections at the house of Benjamin Jordan in said district, and shall be entitled to vote for

The power and authority of the commissioners, &c. of Centre county extended throughout the county districts of Clearfield and M'Kean.

Commissioners and treasurer of Centre county to keep a distinct account of the monies levied and collected in said districts. To what purposes they are to be applied.

Recorder of deeds for Centre to provide a separate book for lands lying within said district, &c.

County of Clearfield made an election district and place of holding elections.

(a) See post. chap. 2558, as to the Clearfield and M'Kean county districts. jurisdiction of Justices of the Peace in (Note to former edition.)

members of the federal and state Legislature, sheriffs, commissioners, and other county officers for Centre county. 1805.

Passed 14th March, 1805.—Recorded in Law Book No. X. page 105.

CHAPTER MMDLVII.

An ACT for the relief of Frederick Fultz. (b)

Passed 25th March, 1805.—Recorded in Law Book No. X. page 107.

(b) Frederick Fultz taken prisoner and family, by manual labour,—a pension granted to him during life, payable during the war—lost an eye during his captivity, and was wounded in the service, and unable to maintain himself in half-yearly payments, &c. (*Note to former edition.*)

CHAPTER MMDLVIII.

An ACT to prohibit Justices of the Peace within the county of Centre, from having jurisdiction in civil cases, within the counties of Clearfield and M'Kean.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the Justices of the Peace of the county of Centre are hereby declared not to have jurisdiction in cases of debts or demands, cognizable within either of the county districts of Clearfield and M'Kean; any law or laws to the contrary hereof notwithstanding.

Justices of the Peace in Centre county declared not to have jurisdiction in cases of debt in Clearfield or M'Kean county.

Passed 25th March, 1805.—Recorded in Law Book No. X. page 107.

CHAPTER MMDLX.

An ACT regulating and continuing the distribution of donation lands.

WHEREAS it appears, that sundry lots of donation lands have lately been drawn and patented, which lots are situate within the easternmost part of the second donation district commonly called the Struck district, which were heretofore left out of the wheel by the late Supreme Executive Council on the report of their agent, General William Irvine, that said lands were unfit for cultivation: And whereas it appears that the aforesaid Struck district has been settled under the act of the third day of April, one thousand seven hundred and ninety-two, entitled "An act for the sale of the vacant lands within this commonwealth," and in many instances large and valuable improvements have been made thereon: And whereas the drawing and patenting to the officers and soldiers the lots situate as aforesaid, will have a tendency to defeat the benevolent intentions of the Legislature towards that meritorious class of citizens, and

1805. inevitably involve the patentees and actual settlers in disputes and expensive law-suits: To prevent those inconveniences,

Tickets to be taken out of the wheel for donation lots in the easternmost parts of the second district, which are to be granted to those who may have settled the same, agreeably to the act of 1792, &c.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* it shall be the duty of the land-officers to take out of the wheel all tickets for donation lots, situate in the easternmost part of the second donation district commonly called Struck district aforesaid, which tickets shall not again be put in the wheel, but said lands shall be reserved for and granted to those who may have settled the same, agreeably to the aforesaid act of the third day of April, one thousand seven hundred and ninety-two, and all such settlers who shall fully comply with the conditions of said act, and the subsequent acts relative to the disposal of the vacant lands within this commonwealth, shall obtain patents for the same, in the usual manner, and the officers of the land-office on the application of any person holding donation lands by patent within the bounds aforesaid, or within that part usually called the triangle, and the applicant or applicants aforesaid, releasing his, her or their patent or patents to the commonwealth, shall have another unappropriated lot or lots of equal quantity; which said lot or lots shall be patented to the person or persons so releasing in the usual manner, and free of expense.

Limitation of this act, and continuance of a former act.

SECT. II. *And be it further enacted by the authority aforesaid, That* this act and the "Act to complete the benevolent intentions of the Legislature of this commonwealth, by distributing the donation lands to all who are entitled thereto," passed the second day of April, in the year one thousand eight hundred and two, (c) (excepting the limitation clause of the last recited act) shall be and continue in force until the first day of April, in the year one thousand eight hundred and six.

Passed 25th March, 1805.—Recorded in Law Book No. X. page 108.

(c) This act has expired, but is still retained, as part of the Land-Office system.

CHAPTER MMDLXI.

[Ante chap. 2363.]

An ACT to establish and confirm the place for holding the courts of justice, and to provide for erecting the public buildings for the use of Indiana county.

WHEREAS in pursuance of an act passed the thirtieth day of March, one thousand eight hundred and three, entitled "An act to establish the place for holding the courts of justice in the county of Indiana, (d) it appears that the Legislature of this common-

(d) The title of the act is here mis-recited, there being no such act. The act of 30th March, 1803, is entitled "An act to erect certain parts of Westmoreland and Lycoming counties into a separate county," and the commissioners were appointed by the fourth section of that act. (Note to former edition.)

wealth did appoint William Jack, James Parr and John Pomroy, commissioners to perform the duties enjoined and required by the said act: And whereas it appears by the report of the said commissioners, to the House of Representatives, and now before the General Assembly, that the said commissioners have performed the duties enjoined on them: In order therefore to complete and secure to the said county the benefits intended by the act aforesaid,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* Charles Campbell, Randel Loughlin and John Wilson, be and hereby are appointed trustees for the county of Indiana, and the said trustees or a majority of them, are hereby authorized and required to survey, or cause to be surveyed two hundred and fifty acres of land, agreeably to a description given of the situation and boundary thereof, in the grant and obligation of Alexander Craig for George Clymer, made by him to the present Legislature, for the use of the county of Indiana; and the said trustees are hereby authorized and required to lay out a convenient lot or lots, not exceeding four acres, whereon the public buildings for the county of Indiana shall be erected, and the residue of the said two hundred and fifty acres shall be laid out into town-lots and out-lots, in such manner and with such streets not more than one hundred nor less than seventy feet wide, and such lanes and alleys for public uses as the said trustees shall direct: *Provided, That* not more than two-thirds of an acre nor less than one-fourth of an acre shall be contained in any town-lot, nor more than three acres in any out-lot; and the said town being so surveyed and laid out, shall be called Indiana; and the streets, lanes and alleys within the town and out-lots shall be and remain common highways for ever.

SECT. II. *And be it further enacted by the authority aforesaid, That* it shall be the duty of the said trustees, or a majority of them, to sell, by public auction, the said town-lots and out-lots, at such time as they may judge most advantageous to the county; previously to which, the said trustees shall advertise the same three times at least in one or more of the newspapers printed in Pittsburgh, Washington, Greensburgh, Lancaster and Philadelphia, two months before the day appointed for such sale; and, before the advertisements are published as aforesaid, transmit a map or draught of the town and out-lots to the secretary of the commonwealth, to be deposited in his office; and with the money arising from the sale of the said town-lots and out-lots, the trustees shall proceed to erect a court-house, jail and necessary public buildings for the use of the county of Indiana: *Provided, That* before the aforesaid trustees shall proceed to the performance of any other of the duties hereby enjoined and required, they shall demand and receive a deed or deeds of conveyance in fee-simple from Alexander Craig for George Clymer, agreeably to the terms expressed in the aforesaid obligation for that purpose, given by the aforesaid Alexander Craig for George Clymer, and shall procure the deed or deeds to be recorded in the office for recording deeds in the county of Westmoreland; and when the said trustees have so done, they shall have authority, and it shall

1805.

Trustees appointed for the county of Indiana, who are to cause to be surveyed 250 acres of land, for the use of said county;

and to lay out a lot or lots, not exceeding four acres, whereon to erect the public buildings; the residue to be laid out into town and out-lots.

Dimensions of the town and out-lots.

Town to be called Indiana.

Trustees to sell town and out-lots by way of auction, and to give prior notice of such sale, and transmit a map of the same to the office of the secretary of the commonwealth.

The proceeds of such sale to be applied to the erection of a court-house and other necessary public buildings.

Further duties of the trustees.

1805. be their duty to make out and grant sufficient deeds in fee-simple for the town-lots and out-lots by them sold in pursuance of this act.

When the trustees are to surrender the trust vested in them by this act to the commissioners of the county.

Powers and duties of the commissioners.

Provisional duties to be performed by the Court of Common Pleas for the county of Westmoreland.

Compensation of the trustees.

Trustees to file a draught and report of their proceedings in the recorder's office of Westmoreland county.

Part of a former law repealed.

SECT. III. *And be it further enacted by the authority aforesaid,* That the aforesaid trustees, or a majority of them, shall, within one year from and after the courts of law and board of commissioners shall have been established and opened by law in and for said county, surrender and convey to the said commissioners, and their successors in office, in trust for the use of the county, all trusts vested in them, or a majority of them, by this act; and the said commissioners of the county are hereby empowered and required to do and perform the several duties which may remain to be done, as fully and effectually as the said trustees might or could have done, and the said county commissioners shall have power, and it shall be their duty to call upon and compel the aforesaid trustees to settle their accounts, and to pay over the money to the county treasurer, if any such money remains in their hands, or in the hands of either of them, due to the county of Indiana, from the sale of the town-lots or out-lots aforesaid: *Provided,* That at any time before the said county of Indiana is organized, and the courts of law and board of commissioners are in operation, it shall be the duty of the Court of Common Pleas for the county of Westmoreland, on the petition of fifty freeholders of the county of Indiana, to appoint auditors with as full powers to compel the said trustees to settle their accounts, as the county commissioners might or could do in pursuance of the aforesaid powers.

SECT. IV. *And be it further enacted by the authority aforesaid,* That each of the trustees appointed to fix on the seat of justice, and each of the trustees appointed by this act, shall receive one dollar and thirty-three cents for every day he may have been or shall be employed in performing the duties of the aforesaid trust, together with all expenses necessarily incurred, for assistance in laying out lots, streets, lanes and alleys; to be paid by the treasurer of the county of Westmoreland, on orders drawn by the commissioners of said county out of the county taxes levied on the county of Indiana.

SECT. V. *And be it further enacted by the authority aforesaid,* That the said trustees shall as soon as may be, file a draught, return and report of the survey and proceedings under and by virtue of this act, in the office of the recorder of deeds in and for the county of Westmoreland.

SECT. VI. *And be it further enacted by the authority aforesaid,* That so much of the act passed the thirtieth day of March, one thousand eight hundred and three, as authorizes the commissioners therein named to be trustees for the said county of Indiana is hereby repealed and made void.

Passed 25th March, 1805,—Recorded in Law Book No. X. page 109.

CHAPTER MMDLXIII.

An ACT to erect the town of Greencastle, in the county of Franklin, into a Borough.

SECT. 1. [TOWN of Greencastle erected into a Borough, by the name of "The Borough of Greencastle, and its boundaries de-

scribed. 2. All persons entitled to vote for members of the legislature, who have resided twelve months in the borough, previous to the election, may meet to choose borough officers, by ballot, on the first Tuesday in May, annually, and the mode of conducting the election, &c. prescribed. 3. Incorporation of the borough officers and their corporate powers defined. The corporate style to be, "The Burgess and Town Council of the Borough of Greencastle." 4. Penalty for refusing to act as a borough officer, &c. 5. Qualifications of the borough officers to be taken before any justice of the peace. 6. Further and general powers given them, to make by-laws, regulating the market, streets, &c. and assess certain taxes, not exceeding a cent in the dollar in any one year, &c. 7. How taxes, &c. are to be collected, and to whom paid. 8. Duties of the town-clerk prescribed. 9. Treasurer to give security, &c. 10. The officers of the corporation to render their accounts annually for settlement. 11. High-constable to give notice of the annual elections. 12. Appeal allowed to persons thinking themselves aggrieved, &c.] 1805.

Passed 25th March, 1805.—Recorded in Law Book No. X, page 113.

CHAPTER MMDLXV.

An ACT requiring the trustees of Mercer county to surrender their trust to the commissioners of said county. [See vol. 3, page 421.]

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the authority vested in the trustees of Mercer county, by an act passed March the twenty-fourth, one thousand eight hundred and three, shall, from the first day of June next, cease and determine, and the said trustees shall, on or before the said day, deliver over and surrender to the commissioners of said county, for the time being, all monies, bonds, notes, books, documents, vouchers and papers which have come to their hands as trustees aforesaid, and are in any wise belonging or appertaining to their office and trust under and in pursuance of the act aforesaid, and all the duties of the said trustees, which remained to be performed, shall therefrom be vested in and performed by the commissioners of Mercer county aforesaid.*

The authority vested in the trustees of Mercer county, by the act of 24th March, 1803, transferred to the county commissioners after the first of June, 1805. Duties of the trustees in the mean time.

* [Ante. pa. 22.]

Passed 25th March, 1805.—Recorded in Law Book No. X. page 113.

CHAPTER MMDLXVI.

An ACT to enable the Governor to incorporate a Company for making an artificial Road, by the best and nearest route, from the borough of Sunbury, in the county of Northumberland, to the borough of Reading in the county of Berks.

SECT. 1. [COMMISSIONERS appointed to open books, and receive subscriptions for the turnpike road leading from Reading

1805. to Sunbury. Form of subscription. Notice of the times and places of subscription to be published. Who may subscribe, and for what number of shares. How long the books are to be kept open. The commissioners may adjourn, from time to time, until the whole number of shares are subscribed. Subscribers to pay a deposit of five dollars for every share subscribed. 2. Time and manner of obtaining for the subscribers a charter of incorporation. The corporate style to be "The President, Managers, and Company of the Centre Turnpike Road, leading from Reading to Sunbury"—with the usual corporate powers. 3. The commissioners to notify the subscribers to meet for the purpose of organizing the corporation. Officers to be chosen, and the number of votes limited. Future elections how and where to be held. 4. The times of annual meetings of the company to be on the first Monday of June, and special meetings as may be directed by the by-laws, and powers of the company at such meetings prescribed. 5. Certificates of shares to be issued on part payment; which certificates shall be transferable. 6. Meetings of the president and managers, and proceedings at such meetings prescribed—five members to form a quorum for transacting the necessary business of the company. 7. Regulations in case of neglect by any stockholder in paying the instalments of capital stock, penalty for non-payment, and consequent forfeiture of the shares, &c. 8. The president and managers, &c. may enter lands, &c. through which the road may pass, to examine the ground, &c. and, 9. May enter lands, &c. to take materials. Mode of estimating the compensation for damages done to any improvements prescribed. 10. The president and managers empowered to erect bridges and lay out a road. Dimensions of the road, &c. which shall be for ever kept in repair. No toll shall be demanded from any person passing or repassing from one part of his or her farm to another, or to and from places of public worship, funerals, or from the militia on days of training. How damages shall be ascertained by viewers appointed by the court. 11. Mode of proceeding to obtain license for erecting turnpikes. 12. When it shall be lawful for the company to appoint toll-gatherers. And rates of toll prescribed.]

Penalty on persons attempting to evade the payment of the tolls.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That if any person or persons owning, riding in or driving any carriage of burthen or pleasure as aforesaid, or owning, riding, leading or driving any horse or mule, or driving any hogs, sheep or cattle as aforesaid shall, with an intent to defraud the said company, or to evade the payment of any of the tolls or duties aforesaid, pass therewith through any private gate or bar, or along or over any private passage, way, or along or over any other ground or land, near to or adjoining any turnpike or gate which shall be erected in pursuance of this act, or if any person or persons shall, with the intent aforesaid, take off, or cause to be taken off, any horse or other beast or cattle of draught or burthen from any carriage of burthen or pleasure, or shall practise any other fraudulent means or device, with the intent to evade or lessen the payment of any such toll or duty, all and every such person or persons offending, in manner aforesaid, shall, for every such offence, respectively, forfeit and pay to the president, managers and company of the Centre turnpike road

leading from Reading to Sunbury, the sum of fifteen dollars ; to be sued for and recovered, with costs of suit, before any justice of the peace, in like manner, and subject to the same rules and regulations, as debts of equal amount are or may be by law recoverable. 1805.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good repair, for the space of twenty days, and information thereof shall be given to any justice of the peace of the proper county, such justice shall issue a precept, to be directed to any constable, commanding him to summon three judicious freeholders, to meet at a certain time in the said precept to be mentioned, at the place in the said road of which complaint is made, of which meeting notice shall be given to the keepers of the gates or turnpikes between which such defective parts shall be, and the said justice shall, at such time and place, by the oaths or affirmations of the said freeholders, enquire whether the said road, or any part thereof, is in such good repair as aforesaid, and shall cause an inquisition to be made, under the hands and seals of himself and a majority of the said freeholders ; and if the said road shall be found by the said inquisition to be out of repair, according to the true intent and meaning of this act, he shall so certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates, between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, for the intermediate distance between them, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put into good and perfect order and repair as aforesaid ; and if any of the keepers of the gates aforesaid shall take or attempt to exact tolls, for the intermediate distance between the gates aforesaid, from any traveller, during the time the road shall continue out of repair, such keeper shall forfeit and pay to the person who shall prosecute for the same, the sum of five dollars, to be recovered before any justice of the peace as debts of equal amount are or may be by law recoverable ; but if the same road shall not be put into good repair before the next ensuing court of quarter sessions of the proper county, the said justice shall certify and send a copy of the said inquisition to the justices of the said court, and the said court shall thereupon cause process to issue, and bring in the body or bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be found defective as aforesaid, and shall direct a bill of indictment to be sent to the grand inquest against the person or persons entrusted as aforesaid ; and, upon conviction, shall give such judgment according to the nature and aggravation of the neglect, as the said court in their discretion shall judge proper : *Provided*, The fine in no instance shall be less than twenty dollars, nor exceeding one hundred dollars ; and the fines, so to be imposed, shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said county, and shall be paid to the supervisors of the highways of the place wherein the offence was committed ; to be applied to repairing such highways as the township or county is bound to repair at the public expense thereof.

Proceedings for redress, if the company neglect to keep the road in repair.

1805.

SECT. 15. [The president and managers to keep the company accounts of subscriptions, &c. and submit the same to a general meeting of the stockholders ; and if the capital stock is found insufficient to complete the road, it may be enlarged. 16. The president and managers to keep an account of the tolls, and declare dividends on the profits. 17. To lay an abstract of the accounts before the legislature, &c. in order to ascertain the clear income ; and if it do not amount to six per cent. the tolls may be increased ; but not to exceed nine per cent. 18. Direction posts to be erected, and mile-stones to be placed on the side of the road, and printed rates of toll to be affixed on the turnpikes.]

Penalty on persons who shall deface or destroy any mile-stone, direction post, &c.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully break, deface, pull up or prostrate any mile-stone which shall be placed in pursuance of this act on the side of the said road, or shall obliterate the letters or figures inscribed thereon, or shall wilfully break, pull down, deface, destroy or injure any direction post which shall be erected in pursuance of this act, at the intersection of any road as aforesaid, or the board or index-hand affixed thereto in conformity with the directions of this act, or shall obliterate the letters or figures inscribed or marked thereon, or destroy, deface or obliterate the letters, figures or other characters marked at any turnpike or gate, which shall be erected in pursuance of this act, for all or any of the purposes therein mentioned, or the whole or any part of any printed list of the rates of tolls which shall be affixed in pursuance of the directions of this act, at any such gate or turnpike, he or they so offending in the premises, and each of them shall, for every such offence, severally and respectively, forfeit and pay to the said president, managers and company, the sum of twenty dollars ; to be sued for and recovered, with costs of suit, before any justice of the peace in manner aforesaid.

Drivers to keep the right-hand side in the passing direction.

SECT. XX. *And be it further enacted by the authority aforesaid,* That all waggoners, carters and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, shall, except when overtaking and passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road, in the passing direction, leaving the other side of the said road free and clear for other carriages to pass ; and if any waggoner, carter or driver shall offend against this provision, he shall forfeit and pay any sum not exceeding six dollars, to any person who shall by reason thereof, be obstructed in his passage, and will sue for the same before any Justice of the Peace ; to be recovered, with costs, in manner aforesaid.

Penalty on toll-gatherers taking more than legal toll.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That if any toll-gatherer shall demand from any person or persons using the said road, any greater rate of toll than by this act is authorized and allowed, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence ; one-half to the use of the supervisors of the roads or highways of the township in which the forfeiture shall be incurred, and the other half to the use of the person suing for the same ; to be recovered before any Justice of the Peace of the county where such offence shall have been committed.

SECT. XXII. *And be it further enacted by the authority aforesaid,* 1805.
That if in any suit or prosecution which shall be commenced under the directions of this act, for any penalty incurred, whether by or against the said company, or their agents, and the said suit or prosecution shall not be sustained by the plaintiff or prosecutor, then, and in such case the person or persons prosecuted as aforesaid, shall recover by the judgment of the Justice before whom such suit or prosecution shall be depending, or by action before the Court of Common Pleas of the proper county, (if such prosecution shall have been instituted before the Court of General Quarter Sessions of the Peace) such sum, not exceeding the amount of the penalty for which the suit or prosecution shall have been commenced, as shall be deemed a reasonable retribution for the vexation of such suit or prosecution.

Defendant to be allowed reasonable retribution against prosecutors not sustaining their prosecutions.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* Limitation of time for bringing actions to recover penalties incurred under this act, &c.
That no suit or action shall be brought or prosecuted by any person or persons for any penalties incurred under this act, unless such suit or action shall be commenced within six months next after the fact committed; and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by the authority of this act.

SECT. 24. [Time allowed for commencing and completing the road. 25. The right reserved to the state of purchasing the road, and extinguishing the toll. 26. If one thousand shares of the stock be not subscribed for within four years, the powers, &c. hereby granted to the company to cease, &c.] (e)

Passed 25th March, 1805.—Recorded in Law Book No. X. page 118.

(e) By a supplement passed March 17th, 1806, (chap. 2668,) the company authorized to make part of the road contemplated by this act, and four additional commissioners are appointed. The whole road is, however nearly completed—and, by act of 21st March, 1808, (chap. 2920,) the state has subscribed for six hundred shares in the stock of this company.

CHAPTER MMDLXVIII.

An ACT vesting in the Select and Common Councils of the city of Philadelphia, the corporation of the District of Southwark, and the Commissioners of the incorporated part of the Northern Liberties respectively, all and every the powers of regulating the Markets in said city and districts aforesaid holden on the first day of the week, commonly called Sunday.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the Select and Common Councils of the city of Philadelphia, the corporation of the district of Southwark, and the commissioners of the incorporated part of the Northern Liberties respectively, to make, ordain and pass such ordinance or ordinances as they may judge proper, for the better regulation of the Markets

The Select and Common Councils of Philadelphia and the corporation of Southwark and the incorporated part of the Northern Liberties, authorized

1805. holden in the said city and districts aforesaid on the first day of the week, commonly called Sunday.

to pass ordinances for regulating the markets holden on Sunday.

Repeal of part of a former law.

SECT. II. *And be it further enacted by the authority aforesaid,* That so much of the act passed the twenty-second day of April, one thousand seven hundred and ninety-four, entitled, an act for the prevention of vice and immorality, and for other purposes as relates to the sale of the necessities of life on the first day of the week, commonly called Sunday, so far as it respects the city and districts aforesaid, be and the same is hereby repealed.

Passed 25th March, 1805.—Recorded in Law Book No. X. page 131.

CHAPTER MMDLXIX.

An ACT for the better regulation of the City of Philadelphia and Districts adjoining, and preserving the Navigation of the River Schuylkill.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That That the Court of Quarter Sessions of the county of Philadelphia, on being petitioned to grant a view of or for opening any street, lane or alley, within the city of Philadelphia, shall have power, and by virtue of this act are directed and required, as often as they judge it useful, in open court, to order and appoint twelve discreet and disinterested freeholders, neither of whom shall reside or own real estate in the city aforesaid, who, being first sworn or affirmed, shall together with the commissioners of the county for the time being, or a majority of them, view the ground proposed for opening such street, lane or alley, and if they, or any ten of them, view the said ground, and any seven of the actual viewers, exclusive of the county commissioners, agree that there is occasion for such street, lane or alley to be opened, they shall proceed to lay out the same, as agreeably to the desire of the petitioners as may be, in such manner as to do the least injury to private property, and shall make report thereof, stating particularly, whether they judge the same necessary, together with a plot or draft thereof, to the next Court of Quarter Sessions; and if then and there the court aforesaid shall approve of the same, it shall, at the next court thereafter, be entered on record, and thenceforth shall be taken, deemed and allowed to be a public street, lane or alley, compensation being first made to the owner of the ground or other property, as herein after directed: *Provided,* That no street, lane or alley, so opened, shall, in any case exceed fifty feet in breadth.

SECT. II. *And be it further enacted by the authority aforesaid,* That on the return of the viewers reporting in favour of opening any street, lane or alley, as aforesaid, and the same being approved of by the court, at their next session thereafter to which the report is returned, the court shall appoint twelve discreet and disinterested freeholders, neither of whom shall reside or own real estate within the city aforesaid, who, being first sworn or affirmed, shall en-

The Court of Quarter Sessions of Philadelphia county empowered to grant views of or for opening streets, &c. within the city.

Proceeding in such cases.

If any seven of the actual viewers exclusive of the county commissioners agree that there is occasion for any street, &c. to be opened, they are to proceed to lay out the same and make report thereof to the next Court of Quarter Sessions.

If the court approve of the same it shall be entered on record and thenceforth be deemed a public street, &c. compensation being first made to the owner of the ground, &c.

How damages sustained by the owners of property applied to

quire what damages the owner or owners of lands, house, houses or other property shall or may sustain by reason of the same being taken, used and appropriated for the purpose aforesaid: *Provided always*, That it shall be the duty of the said freeholders in assessing damages, to consider the advantages which may accrue to the owner or owners of such lands, house, houses or other property by reason of opening such street, lane or alley. 1805.

such uses, are to be estimated.

SECT. III. *And be it further enacted by the authority aforesaid*, That upon the return of valuation and assessment of damages, as aforesaid, for ground or other property taken and appropriated for public streets, lanes or alleys, within the city aforesaid, and the Court of Quarter Sessions of the county of Philadelphia having approved the same, the amount of damages awarded, as aforesaid, shall be paid by the treasurer of the said county, and so soon as the said damages are paid, the Mayor of the said city shall cause such street or other passage to be opened, agreeably to the direction of the court: *Provided always*, That unless the same shall be paid within one year next after the return made by the viewers, all such proceedings as aforesaid shall be void and of no effect whatever. The damages awarded to be paid by the treasurer of the county, &c.

Unless the same be paid within one year after the return made by the viewers, all such proceedings as aforesaid to be void.

SECT. IV. *And be it further enacted by the authority aforesaid*, That all streets, alleys, courts and lanes which have been heretofore laid out, opened and appropriated to public use by private persons within the city of Philadelphia, and all those streets, courts and other passages which shall be laid out and opened by order of the inspectors of the gaol, on any of the city lots granted by the commonwealth, by an act, entitled, an act to direct the sale of certain unimproved lots, the property of this Commonwealth, in the city of Philadelphia, and to appropriate the proceeds thereof towards the erection of a building for the purpose of more completely carrying into effect the penal laws of this state; and also all those streets, alleys, courts and lanes which shall hereafter be laid out, opened and appropriated to public use by private persons: *Provided*, the same be not less than twenty feet wide, shall, to all intents and purposes, be held, deemed, taken, and be highways, as fully and completely, according to their extent, as any highways laid out by order of the Court of Quarter Sessions of any county within this commonwealth. All streets, &c. heretofore opened or which may hereafter be opened in any of the modes enumerated in this section, to be deemed highways.

Provido that the same shall not be less than 20 feet wide.

SECT. V. *And be it further enacted by the authority aforesaid*, That the select and common councils of the said city shall be authorized to make all ordinances which they shall judge useful or necessary for the forming, laying with broken stone or gravelling any of the streets, alleys, courts or lanes within the said city, which shall at any time by them be judged improper to order to be paved, and whenever the cart way of any such street, court or other passage shall be regulated, shaped and formed or when so formed and laid with gravel or other hard substances, in either of those cases the owners of the several lots which are bounded upon or adjoining any such street, court or other passage shall be obliged to form or shape, or lay with hard substances or gravel, the respective footways opposite to their several lots, in such manner, at such time and under such penalties as shall be directed by the said ordinances. The select & common councils authorized to make certain ordinances relative to streets, &c.

When the owners shall be obliged to pave the foot-ways opposite to their respective lots.

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Further powers given to the corporation.

The wardens of the port of Philadelphia to determine the extent to which wharves may be built into the river Schuylkill.

Penalty on persons building wharves beyond low-water mark without license, &c.

Penalties for erecting fences beyond low-water mark without license, &c.

SECT. VI. And whereas the charter granted to the citizens* of Philadelphia, by William Penn, (proprietor of Pennsylvania) on the twenty-fifth day of October, one thousand seven hundred and one, doth not grant to the citizens the same right to occupy and use the ends of the streets which extend to the river Schuylkill which was granted on the river Delaware, and as such a public benefit will now be highly useful to the inhabitants of the said city and to other citizens of this commonwealth: Therefore, *Be it enacted by the authority aforesaid*, That the corporation of the said city shall be invested with all and singular the powers and authorities, jurisdictions, rights and immunities in, to and over the ends of each and every public street or alley which extends to or into the river Schuylkill, as fully to all intents and purposes, and to the like uses, as by the said charter, or any law of this commonwealth, is or are granted to the former or present corporation of the said city, respecting the east ends of the several streets which extend to or into the river Delaware, that part of the west end of High-street, belonging to the bridge company only excepted.

SECT. VII. *And be it further enacted by the authority aforesaid*, That the wardens of the port of Philadelphia, shall be authorized and empowered to fix and determine the extent or distance which any person or persons, or body or bodies, politic or corporate, who are the owner or owners of lots of ground extending to the said river Schuylkill, on either of its shores, from the lower falls thereof to its junction with the river Delaware, may build wharves therein.

SECT. VIII. *And be it further enacted by the authority aforesaid*, That if any owner or owners of any lot or lots of ground extending into the river Schuylkill, from the lower falls thereof to its junction with the river Delaware, shall build any wharf, house, store or other building further into the said river than to common low-water mark, without license first had and obtained from the said wardens, or further into the said river than may be permitted by such license, he, she or they being legally convicted of the same shall pay a fine of one thousand dollars, to be recovered with costs as debts of the same amount are or may be by law recoverable; one half of which fine shall be paid to the guardians or overseers of the poor of the city, district or township where such wharf, or building shall be erected, and the other half to the person or persons who shall sue for and recover the same.

SECT. IX. *And be it further enacted by the authority aforesaid*, That if any person or persons shall erect or make any fence beyond the common low-water mark into the said river, without license first had and obtained from the said wardens, he, she or they being legally convicted of the same, shall for every such offence forfeit and pay a fine not exceeding twenty dollars; to be recovered with costs as debts of the same amount are or may be by law recoverable; one-half of which fine shall be paid to the overseers or guardians of the poor of the city, district or township as aforesaid, and the other half to the person or persons who shall sue for and recover the same.

CHAPTER MMDLXXI.

1805.

An ACT explanatory of the Act, entitled, "An act to regulate the payment of costs on indictments."

[Ante. page 204, chap. 2513.]

SECT. II. AND be it further enacted by the authority aforesaid, That in all cases where two or more persons have committed an indictable offence, the names of all concerned (if a prosecution shall be commenced) shall be contained in one bill of indictment, for which not more costs shall be allowed than if the name of one person only was contained therein.

The names of all persons concerned in the commission of the same indictable offence to be included in one indictment, &c.

Recorded in Law Book No. 10. page 135. (f)

(f) This act was presented to the Governor for his approbation and signature on the 16th day of March, 1805. —On the 28th day of March he returned it without his signature; but not having returned it *within* ten days, (Sunday excepted) it became a law on the 28th day of March, 1805. —Journals

House of Representatives 1804-5, page 600. Journals of Senate 1804-5, page 382. (Note to former edition.)

[The original act, and the second section of this act, made perpetual by an act passed 29th March, 1809; which also supplies the third section of this act.]

CHAPTER MMDLXXII.

An ACT for the relief of Benjamin Clark.

Passed 29th March, 1805. —Recorded in Law Book No. X. page 135.

Benjamin Clark disabled by a wound in the revolutionary war; a pension granted to him, payable half yearly, &c.

CHAPTER MMDLXXIII.

An ACT to establish and confirm the Place for holding the Courts of Justice, and to provide for erecting the public Buildings for the use of Cambria County.

[Ante. page 170.]

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, John Horner, John J. Evans, and Alexander Ogle, be, and hereby are appointed trustees for the county of Cambria, and the said trustees, or a majority of them, are hereby authorized and required to take and receive by grant, bargain or otherwise, as well all such assurances for the payment of money and grants of land and lots in the town of Ebensburg, as hath been stipulated for by Rees Lloyd, John Lloyd and Stephen Lloyd, by their proposals to the commissioners appointed in the county of Cambria for that purpose, and to the General Assembly, as also any monies, bonds or other property that may hereafter be offered to them in trust, to sell and convey, or otherwise dispose of the lots and land aforesaid, to the best advantage for said county of Cambria, and with the monies arising from the sale of such land and lots aforesaid, and other monies duly assessed, levied and collected within the county of Cambria, to erect or cause to be erected a court-house, prison and buildings, for the safe keeping of the public records of said county, in such part of the said town of Ebensburg as to them shall appear most suitable for that purpose.

Trustees for the county of Cambria;

to receive certain assurances;

dispose of lots, &c. in Ebensburg,

and erect a court-house, prison, &c.

SECT. II. And be it further enacted by the authority aforesaid, That before the said commissioners proceed to the discharge of the

To receive sufficient deeds in fee-

1805. duties herein enjoined and required ; they shall demand and receive from the aforesaid Rees Lloyd, John Lloyd and Stephen Lloyd, sufficient deeds in fee-simple of the above described land and in-lots in the town of Ebensburg, in trust for the use of Cambria county, agreeably to the proposals heretofore made to the commissioners appointed for that purpose, and to the General Assembly, for the use of Cambria county, by the said Rees Lloyd, John Lloyd and Stephen Lloyd, and shall procure the same to be recorded in the office for recording of deeds in Somerset county, and when the said trustees have so done, they shall have authority, and it shall be their duty to make out and grant sufficient deeds for the town-lots and other land aforesaid by them sold in pursuance of this act.

simple for
said lots, &c.
prior to their
sales.

When said
trustees shall
surrender
their trusts
to the county
commissioners.

Powers and
duties of the
commissioners.

SECT. III. *And be it further enacted by the authority aforesaid,* That the said trustees, or a majority of them, after the county of Cambria shall be organized, and the courts and board of commissioners in operation, shall surrender and convey all the trusts vested in them by this act to the commissioners of Cambria county, and to their successors in office, and the said county commissioners and their successors shall enjoy and exercise all the powers vested in, and discharge all the duties required of and enjoined on the said trustees, as fully to all intents and purposes, as if they were expressly named, and the said county commissioners shall have power, and it shall be their duty to call upon, and, if necessary, to compel the trustees, or either of them, by suit, to settle their accounts with respect to the performance of their trust, and pay over the money due to the county, if any such money remains in their hands, to the treasurer of Cambria county, subject to the disposal of the said county commissioners.

Trustees to
make such
alteration in
the plan of
Ebensburg
as shall appear
necessary.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the aforesaid trustees shall make such alteration in the plan of Ebensburg, as shall appear necessary for the advantage of the inhabitants of said town, and the said trustees shall receive one dollar and fifty cents each, for every day they shall be necessarily employed in the performance of their duties enjoined by this act.

Passed 29th March, 1805.—Recorded in Law Book No. X. page 136.

CHAPTER MMDLXXV.

A SUPPLEMENT to the act, entitled "An act to incorporate the Presbyterian congregation in Donnegal township, in the county of Lancaster."

SECT. 1. [THE number of trustees to be elected under the principal act, reduced to three, &c.]

Passed 29th March, 1805.—Recorded in Law Book No. X. page 139.

CHAPTER MMDLXXVII.

An ACT to erect the town of Erie, in the county of Erie, into a borough, and for other purposes.

SECT. 1. [THE first section of the town of Erie, erected into a borough. 2. All persons entitled to vote for members of the

Legislature, who have resided in the said borough six months previous to the election, shall meet on the first Monday in May, annually, to elect borough officers, and the mode of conducting the election prescribed, and how vacancies in any of the borough offices may be supplied. 3. Borough and town-council shall be a body politic and corporate; with power to hold lands, &c. not exceeding in value three thousand dollars per annum. 4. Penalty for refusing or neglecting to serve as burgess or member of the town-council, and how recoverable. 5. Officers to take an oath or affirmation to support the constitution, &c. 6. Of enacting by-laws; apportioning taxes; erecting wharves, and appointing a town-clerk. Limitations of taxes. 7. Of collecting taxes. 8. By-laws to be recorded. Duties of the town-clerk, and of the high-constable, prescribed. Persons aggrieved may appeal to the Court of Quarter Sessions. 9. Certain lots granted for churches and burial grounds. 10. Northern boundary of Front-street defined, and power of the burgess and town-council to lay out lots, &c. on the north side of Front-street; and sell the same at public auction. Appropriation of the proceeds. But no building to be erected on the north side of Water-street, &c.]

Passed 29th March, 1805.—Recorded in Law Book No. X. page 141.

CHAPTER MMDLXXVII.

An ACT directing the mode of selecting and returning jurors.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* in each county of this commonwealth, the sheriff and county commissioners, or any two of said commissioners with the sheriff, shall meet at the seat of justice at least thirty days previously to the first Court of Common Pleas to be holden in each and every year, and shall then and there select, from the list of taxable citizens, the names of a sufficient number of sober and judicious persons, to serve as jurors at the several courts herein after mentioned, to be holden in that year, and shall write the name of each person so selected on a small piece of paper, which papers shall be as nearly alike, in size and shape, as may be, and shall be so folded that the name doth not appear; two wheels shall be provided, which shall be numbered 1, 2; in No. 1 the names of those intended for grand jurors shall be put; in No. 2 those intended for petit jurors shall be put; upon which they shall turn the wheel sufficiently to intermix the papers deposited therein, and having first drawn from the proper wheel or wheels a number of names sufficient for the then next court, the wheels respectively shall then be locked up and sealed; the county commissioners shall take charge of the wheels, and the sheriff of the keys; and thirty days previously to each succeeding court, the same proceedings shall be had by the sheriff and county commissioners aforesaid; a list of the names so drawn shall then be fixed up by the sheriff in his office, and a copy shall be delivered by him to

Jurors to be selected annually by the county commissioners and sheriff of the respective counties. How they are to proceed in performing that duty.

List of the names of the jurors to be

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fixed up in
their respec-
tive offices
by the sher-
iff and pro-
thonotary.
Jurors to be
summoned
at least ten
days before
the court.

the prothonotary, who shall fix up the same in his office, for the inspection of all concerned, whereupon the usual *venire* shall be made out by the prothonotary, containing the names of the persons mentioned in said list, so delivered and drawn, and within two days thereafter be delivered by him to the sheriff, who shall thereupon summon the persons named, at least ten days before the first day of the court: *Provided always*, That the sheriff and county commissioners aforesaid shall always select and deposit a number of names sufficient in each and every wheel, so that at the last drawing, in every year, the number requisite for one jury, at least, shall remain in each wheel, and, on every drawing, the wheels shall again be locked and sealed up in manner before directed.

Provision as
to courts in
Philadel-
phia.

SECT. II. *And be it further enacted by the authority aforesaid*, That for the city and county of Philadelphia, there shall be provided an additional wheel, to be numbered No. 3, for which a sufficient number of names shall be selected and deposited therein for special jurors, which names shall be selected, deposited, drawn, and the persons summoned and returned in like manner, and under the same provisions and regulations as is directed by the preceding section of this act, and for the trial of causes in the Mayor's Court of the city of Philadelphia, one wheel shall be provided for grand jurors, and another for petit jurors, and the like proceedings shall be had, by the aforesaid officers, in the selecting, depositing, drawing, summoning and returning jurors, as is provided in all cases for the county courts: *Provided*, That the selection for the aforesaid court be made from citizens residing within the bounds of the said city.

Penalty in
case jurors,
lawfully
summoned,
do not ap-
pear, &c.

SECT. III. *And be it further enacted by the authority aforesaid*, That every person whose name shall be so drawn, and who shall have been summoned as aforesaid, but shall not appear before the respective court to which he may have been summoned, after being openly called three times, due proof being made by the oath or affirmation of the sheriff, or other credible person, that each person so making default had been lawfully summoned, shall forfeit and pay for every such default, in not appearing upon call as aforesaid, (unless some reasonable cause of such person's absence be made appear to the satisfaction of the same court, or to the next succeeding court) such fine, not exceeding twenty dollars, as the court shall think proper to inflict, which fine the sheriff of the proper county shall, within twenty days after the court aforesaid, levy by virtue of a writ to be issued by the court, and shall pay the same to the county treasurer of the proper county, to be appropriated towards defraying the expense of paying jurors; and every person whose name shall be drawn as aforesaid, and not appearing, shall be returned by the sheriff at the next succeeding drawing of jurors, and his name shall then again be put in the wheel from which such name was drawn for the court preceding, provided such person is residing within the county, and so as often as such person shall refuse or neglect to attend, the like proceedings shall be had; but the name of any person duly summoned and attending, or serving at any court for which his services are required, shall not be put into the wheel a second time in the same year; and any sheriff, coroner, or county commissioner having transgressed therein, shall, on conviction

before the court to which such person shall have been summoned contrary to this act, for every such offence pay a fine not exceeding thirty nor less than ten dollars, payable to the treasurer of the proper county towards defraying the expense of compensating jurors; which fine or fines shall be recovered as sums of equal amount are or may be by law recoverable.

SECT. IV. *And be it further enacted by the authority aforesaid,* That every sheriff now commissioned, or who may hereafter be commissioned, and every county commissioner now in office, or who may hereafter be elected to office, shall, before he enters on the execution of his office, besides the usual oath or affirmation of office, as required by the constitution and laws of this state, take the following oath or affirmation: *I A. B. do swear (or affirm) that I will use my utmost endeavours and diligence in making an impartial selection of persons for jurors, and that I will not suffer partiality, favour or affection, hatred, malice or ill-will in any case or point whatever relating to the selection, drawing and returning of jurors to influence me, but that I will, in all respects, conform to the true intent and meaning of the acts of the General Assembly in such case made and provided; and in case of inability (occasioned by death, resignation or otherwise) of any sheriff in discharging the duties enjoined upon him by this act, the coroner of the proper county shall perform such duties; but before he enters upon the discharge thereof, he shall take the oath or affirmation before prescribed.*

Sheriff and county commissioners to take an oath or affirmation for the impartial return of jurors.

Duties of sheriffs in case of inability, devolve on coroners.

SECT. V. *And be it further enacted by the authority aforesaid,* That every sheriff or coroner (as the case may be) to whom the return of the writ or process for summoning jurors for the trial of causes, before the judges of oyer and terminer, general gaol delivery and nisi prius doth belong, shall, upon return thereof by rule of court, annex a panel to the said writ, containing the christian and surnames, additions and places of abode of a competent number of jurors, the names of the same persons to be inserted in the panel annexed to every such writ, for the trial of all issues in civil and criminal causes at the said courts in each respective county, which number of jurors in any county shall not be less than forty-eight nor more than sixty, without the direction of the judge or judges appointed to go the circuit and sit as judge or judges of oyer and terminer, and general gaol delivery or nisi prius in such county, who are hereby empowered and required if he or they see cause, by order under his hand or their hands, to direct a greater number not to exceed eighty, and then the number so directed shall be the number who shall be summoned and returned to serve on such juries respectively.

A panel with the names of the jurors to be annexed to the venire in trials before the judges of oyer and terminer, &c.

The number of jurors;

but certain judges may direct a greater number.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the sheriff or coroner (as the case may be) of the county of Philadelphia, or other county, where the Supreme Court of Judicature shall be holden, to whom the return of the writ or process for summoning jurors, for the trial of causes at bar before the justices of the said Supreme Court doth belong, shall upon return thereof, by rule of court annex a panel to the said writ, containing the christian and surnames, additions and places of abode of a com-

A panel with the names of jurors to be annexed to the venire in trials at bar.

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Number of jurors.

A panel with the names of jurors to be annexed to the venire in trials in common pleas and quarter sessions.

Number of jurors.

A panel with the names of jurors to be annexed to the venire in the common pleas for the city of Philadelphia.

Number of jurors.

Mode of balloting for jurors to try the cause.

petent number of jurors, the names of the same persons to be inserted in the panel annexed to every such writ, for the trial of all issues to be tried at the bar of said court during the ensuing term, which number of jurors shall not be less than thirty-six, nor more than forty-eight, which shall be the number who shall be summoned and returned to serve on such juries.

SECT. VII. *And be it further enacted by the authority aforesaid,* That every sheriff or coroner (as the case may be) to whom the return of the writ or process for summoning jurors, for the trial of causes before the justices of the County Court of Common Pleas, and before the justices of the General Court of Quarter Sessions of the Peace and Gaol Delivery, in any county, or in the city of Philadelphia, doth belong, shall, upon return thereof, annex a panel to the said writ, containing the christian and surnames, additions and places of abode of a competent number of jurors, the names of the same persons to be inserted in the panel annexed to every such writ, for the trial of all issues in causes in that court at the next term, which number of jurors shall not be less than twenty-four, nor more than forty-eight, which shall be the number who shall be summoned and returned to serve on such juries.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the sheriff or coroner (as the case may be,) to whom the return of the writ or process for summoning jurors, for the trial of causes before the justices of the Court of Common Pleas for the city and county of Philadelphia doth belong, shall, upon return thereof, annex a panel to the said writ, containing the christian and surnames, additions and places of abode of a competent number of jurors, the names of the same persons to be inserted in the panel annexed to every such writ, for the trial of all issues in causes in that court at the next term, which number of jurors shall not be less than twenty-four nor more than thirty-six, which shall be the number who shall be summoned and returned to serve on such juries.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the name of each and every person so summoned and impanelled shall be written on several and distinct pieces of paper, which shall be as nearly of equal size and similar shape as may be, by the prothonotary or clerk of the court, or his agent, who shall, by direction and under the notice of the judge or justice therein presiding, roll the said papers, severally, as nearly similar as may be, and put them in a box to be provided for that purpose by the said prothonotary or clerk, and when any cause shall be ready for trial, some disinterested person, by direction of the court, shall, in open court, after having well mixed the papers deposited in said box, draw therefrom twelve of the said papers, one after another, and if any of the persons whose names shall be so drawn shall not appear, or be challenged and set aside, then such further number of said papers shall be drawn until twelve persons of those who appear, and who be not set aside, be had to serve on the jury, and the said twelve persons so first drawn who appear, and shall be approved, their names being marked in the panel, and they being sworn or affirmed, as the law directs, shall be the jury to try the cause so

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brought on to be tried as aforesaid, and the papers which bear the names of the persons who shall be so drawn and sworn or affirmed, (as the case may be) shall be kept apart by themselves in some other box, to be provided as aforesaid and kept for that purpose, until such jury shall give in their verdict, and the same be recorded, or until the said jury shall, by leave of the court, or consent of the parties in the cause, be discharged, and the same names shall again be rolled up and returned to the box first before mentioned, there to be kept with the other names remaining at that time undrawn, and so often and as long as any cause shall remain to be tried during the term, sessions, or holding of the court: *Provided always*, That if any cause shall be brought on to be tried in any of the courts aforesaid, respectively, before that the jury which may be charged in any other cause shall have given in their verdict, or shall be discharged, it shall and may be lawful for the court to order that twelve of the remaining papers aforesaid, (not containing the names of any of the jurors in such other cause) be drawn in manner aforesaid, for the trial of the cause, which shall be so brought on to be tried.

Proviso in case a second cause is brought on before a decision in the first.

SECT. X. *And be it further enacted by the authority aforesaid*, That if a sufficient number of persons so summoned and returned as aforesaid, shall not appear at the court to which they shall be so summoned, or if, by reason of challenges or otherwise, there shall not be a sufficient number of jurors ready for the trial of any cause then brought on to be tried, in such case, upon order of the court for filling the jury from qualified by-standers, who shall be immediately summoned and returned by the sheriff, unless he be liable to some legal exception, and in such case to be returned by the coroner, unless he be also liable to such exception, and then to be returned by two proper and disinterested persons to be appointed by the court for that purpose, and the persons who shall be thereupon summoned and returned shall attend and serve as jurors at such court accordingly, and in case* any of the persons who shall be summoned from amongst by-standers, as aforesaid, shall refuse or neglect to attend as aforesaid, the court shall inflict such fine upon such defaulter as is herein before directed in other cases upon persons, who being summoned as jurors shall fail to attend, and every such fine shall be levied, collected and paid over by the sheriff as is by this act enjoined.

When the court shall order a jury from among the by-standers ;

and how to be returned.

Persons thus called upon to serve liable to fine for default, &c.

SECT. XI. *And be it further enacted by the authority aforesaid*, That when a rule has been entered by either of the parties, in a civil action or cause depending in any court, for striking a special jury, the parties shall strike the same in the prothonotary's office from the list of jurors which may be drawn from the proper wheel, agreeably to the provisions contained in the first section of this act, to serve at the ensuing court, and where a view shall be allowed in any cause six of the first twelve of the jurors, or more of them named in the panel shall be taken by the sheriff or other officer, who shall have the view, and such of the said viewers who appear

Proceedings in case of struck juries and of a view.

* "of," in the original.

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at calling the jury to try the said cause, shall first be sworn or affirmed to try the same before any drawing as last aforesaid, and so many jurors only shall be drawn as aforesaid, to be added to the said viewers who appear, as shall after default and allowed challenges, make up the number twelve, to be sworn or affirmed for the trial of such cause.

A register to be kept of jurors summoned and serving;

SECT. XII. *And be it further enacted by the authority aforesaid,* That the sheriff, or coroner (as the case may be) to whom the return of process for the returning of juries shall belong, from time to time, shall enter, alphabetically, in a book to be kept for that purpose, the surnames of all such persons who shall be summoned, and who shall attend or serve upon juries in the said courts, with their christian names, additions and places of abode, and also the times of their respective services, and every person so summoned and attending, or serving as aforesaid, shall, upon application by him made to such sheriff, (or coroner) have a certificate testifying such his attendance or service; which certificate such sheriff (or coroner) is hereby directed and required to give, without fee or reward, and the said book shall be delivered over by said sheriff, (or coroner) from time to time, to his successor in office.

and certificates of service to be granted:

Costs to be paid on verdict.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That whenever any verdict, in a civil action or cause, shall be taken, the plaintiff or defendant, for whom the same shall be given, shall forthwith pay to the sheriff the sum of four dollars, which shall be taxed with the costs, and afterwards repaid by the party against whom such verdict shall be given, if the same be a verdict wherein costs be recoverable, for the use of the party so advancing that sum, and the money so to be collected shall be paid into the hands of the county treasurer, to be appropriated towards a fund for defraying the expenses of the juries who shall attend on the said courts respectively, and the prothonotary or clerk of the respective court is hereby authorized and required, to certify to the commissioners of the proper county, the number of days each juror shall have served or attended, either as a grand or petit-juror, and he shall be paid one dollar for every day he may have thus served or attended, by the county treasurer, upon a warrant drawn by the commissioners; which certificates the Prothonotary is required to give, without fee or reward: *Provided always,* That no compensation other than what has heretofore been provided shall be allowed to jurors for their services for the remainder of the present year, and provision shall accordingly be made in estimating and laying the county rates in the several counties of this commonwealth.

How appropriated.

Allowance to jurors.

When this act shall go into operation.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That this act shall be of force and effect, so as to authorize the Sheriff and county Commissioners of the several counties to make the selection of jurors, in the manner required by the first section of this act, thirty days previously to any court to be holden after the twentieth day of August next, and such number only shall be selected as may be required for the courts to be holden in the city of Philadelphia, and respective counties, during the remainder of the present year: *Provided,* That a number sufficient shall be selected and deposited in the respective wheels, so that the number re-

quisite for one jury, at least, shall remain in each wheel after the last drawing; and the jurors to serve at the several courts, mentioned in this act, shall be selected, summoned and returned in the manner before directed, and not otherwise. 1805.

SECT. XV. *And be it further enacted by the authority aforesaid,* That so much of any act as is by this act altered and supplied, be, and the same is hereby repealed. Repeal of acts hereby supplied.

[SECT. XVI. *And be it further enacted by the authority aforesaid,* That this shall continue in force for the term of three years, and from thence to the end of the next sitting of the General Assembly, and no longer.] (g) Limitation of this act.

Passed 29th March, 1805.—Recorded in Law Book No. X. page 145.

(g) By a supplement to this act, passed 4th April, 1807, (chap. 2797,) the assessors of the several townships and districts within the commonwealth, and of the several wards of the city of Philadelphia, were required to return the names of the white male citizens to the county commissioners, who were to deposit the names of the persons so returned to them, in the proper wheels, in proportion to the numbers requisite for each; with a specific penalty for neglect of such duty. And the said assessors were further required, at the end of every term of three years, and oftener, if all the names should be sooner drawn from the said wheels, to make return of all the qualified taxables, in manner aforesaid, to be again deposited in the proper wheels, &c. But, by an act passed 4th April, 1809, the above provisions are repealed, and the act in the text is revived, and made perpetual. The second, third and fifth sections of the supplement of 1807, remain in force; directing the manner in which notice is to be given to the commissioners, by the sheriff, on process being is-

sued for summoning juries, and in what manner the places of absentees are to be supplied, and how and when the names of defaulting jurors shall be returned to the sheriff, by the prothonotaries, to be again put into the wheel, and prescribing the number of special and general jurors to be drawn for the several courts of the city and respective counties.

The repealing act of 4th April, 1809, further provides, That in all civil suits, each party shall be allowed to challenge two jurors peremptorily; and in all criminal prosecutions, wherein peremptory challenges have not been heretofore permitted by law, the defendant or defendants shall be allowed to challenge four jurors peremptorily.

See also the act of 24th February, 1806, (chap. 2634,) for the mode of summoning and returning jurors, where the county courts are to continue for two weeks.

See also the act of 21st March, 1806, (chap. 2686, § 6,) which prescribes the oath to be taken by jurors, on the trial of civil causes.

CHAPTER MMDLXXVIII.

An ACT to repeal, in part, the Act, entitled, "An Act to regulate fences, and to encourage the raising of swine." [Original act, vol. 2, pa. 96.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of July next, the act, entitled, "An act to regulate fences and to appoint appraisers in each township in the counties of Bedford, Northumberland, Washington and Fayette, and to encourage the raising of swine," passed the twenty-seventh day of March, one thousand seven hundred and eighty-four, be, and the same is hereby repealed, so far as the same respects and is in force in the county of Luzerne.

Passed 1st April 1805.—Recorded in Law Book No. X. page 155.

1805.

CHAPTER MMDLXXIX.

An ACT to empower the Board of Wardens, for the Port of Philadelphia, to collect a certain duty on tonnage for the purposes therein mentioned.

WHEREAS it has been represented to the Legislature, that the access to the port of Philadelphia is considerably obstructed by a bar formed in the river Delaware, and that great losses have been sustained in consequence of the want of sufficient piers or places in the said river, for the security of vessels in the winter season: And whereas the Chamber of Commerce of the city of Philadelphia have requested, that vessels, employed in foreign commerce from the port of Philadelphia, should be subjected to the payment of a tonnage duty, and the proceeds thereof be employed in removing the said obstruction and in providing sufficient piers or other places of security in the said river, which request it is proper to grant: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the master, owner or consignee of every ship or vessel which shall clear out from the port of Philadelphia, for any port or place out of the limits of the United States, shall before the departure of such ship or vessel, pay to the Board of Wardens of the said port, a tonnage duty of four cents for every ton which such ship or vessel shall measure, according to the rule which is or may be prescribed by the laws of the United States, for ascertaining the tonnage of ships or vessels; and if any such ship or vessel shall depart from the port before the payment aforesaid be made, the master, owner or owners, consignee or consignees thereof shall pay to the said wardens a sum equal to double the amount of the tonnage duty due on such ship or vessel, by virtue of this act, which may be recovered in the name of the said Board before any Alderman, Justice of the Peace or Court of Justice having lawful jurisdiction of the amount thereof, or the said Board may, if they think it expedient, sue for and recover as aforesaid the tonnage duty due on any ship or vessel after she shall have received a clearance and before her departure.

SECT. II. *And be it further enacted by the authority aforesaid, That* the said Board of Wardens shall have power to employ suitable persons to remove the obstructions to the navigation of the river Delaware below the city of Philadelphia, in such manner as to the said Board shall seem most proper, and to erect and provide such piers and places as may be deemed necessary for the security of vessels navigating the said river, and for that purpose to obtain cessions to the commonwealth of the ground necessary for such piers or places: *Provided nevertheless, That* no cession shall be accepted, nor purchase made, nor engagements for the removing of obstructions, or for the erection of any such piers or places of security be entered into, until the said Board of Wardens shall have submitted to the Governor of this commonwealth a statement of the nature and conditions of the cession or purchase proposed, and

A tonnage duty of four cents to be paid on vessels clearing out from the port of Philadelphia for any other port within the United States.

Penalty on vessels departing before payment of the said duty.

The board of Wardens authorized to remove obstructions to the navigation of the river Delaware, to erect piers, &c.

The Governor's approbation thereof, first to be obtained.

the plan which they shall have formed for removing the obstructions, or providing the piers or places of security, with an estimate of the expense thereof, and shall have obtained his consent to carry the same into execution.

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SECT. III. *And be it further enacted by the authority aforesaid,* That the tonnage duties, collected by virtue of this act, shall be appropriated by the Board of Wardens for the purposes aforesaid, and that the said Board shall have power to borrow for the same purposes such sum or sums of money as may be thought necessary on the credit of the said duties.

Appropriation of the tonnage duties.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said Board of Wardens shall keep fair and true accounts of all their receipts and expenditures under this act, and shall, at the expiration of every year, pay over to the state-treasurer the balance remaining in their hands, and the same shall remain in the hands of the treasurer appropriated for the purposes aforesaid and no other, and subject to the draughts of the said Board of Wardens; and to the end and intent that fair and just accounts shall be kept and settlements made by the said Wardens of all their transactions, in pursuance of this act, they are hereby enjoined and required to exhibit true and just accounts of all monies received and expenses incurred by them in the execution of the duties enjoined by this act, at the expiration of every year, to the Register-General of the commonwealth, who is hereby authorized and required to settle and adjust the same, in like manner as other accounts are settled by him, and subject to the like appeal, security, trial and costs, and in like manner to proceed and recover the balance or balances which shall be found due from the said Wardens, or any of them, and no compensation shall be received by the said Wardens for the performance of the duties enjoined on them by this act.

The board of Wardens to keep an account of their receipts and expenditures, &c.

To render their accounts annually to the Register-General who shall adjust the same in like manner as other accounts.

SECT. V. [*And be it further enacted by the authority aforesaid,* That this act shall be in force at the expiration of one calendar month after the consent of the congress of the United States shall be granted to the operation thereof, and notice of such consent published in one or more newspapers in the city of Philadelphia, and shall continue in force for seven years, and from thence to the end of the next session of the General Assembly, and no longer.*]

When the act shall take effect, and limitation of its continuance.

[* Continued for five years, &c. by act of 20th March, 1811.]

Passed 1st April, 1805.—Recorded in Law Book No. X. page 153.

CHAPTER MMDLXXXI.

An ACT declaring part of Wyconisco creek, in the county of Dauphin, a public highway.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* Wyconisco creek, in the county of Dauphin, from the mouth thereof up to Isaac Ferree's mill-dam, be, and the same is hereby declared a public highway, for the passage of rafts, boats and other vessel and it shall be lawful for the inhabitants, and others desi-

Part of Wyconisco creek declared a public highway, &c.

1805. rous of using the navigation of said creek, to remove all natural and artificial obstructions which may be in the same, excepting dams for mills or other water-works, and also to erect such slopes at the mill-dams now built in the said creek as may be necessary for the passage of rafts, boats or other vessels; provided such slopes be so constructed as not to injure the works of said dams, and also that any person or persons owning or possessing lands on said creek, shall have liberty to erect any dam or dams across the same, agreeably and subject to all the restrictions and provisions of an act of the General Assembly of this commonwealth, passed the twenty-third day of March, one thousand eight hundred and three, entitled "An act to authorize any person or persons owning lands adjoining navigable streams of water, declared public highways, to erect dams upon such streams for mills and other water-works."

Passed 1st April, 1805.—Recorded in Law Book No. X. page 156.

CHAPTER MMDLXXXIV.

[See vol. 3, pa. 143, 295, and ante. pa. 123, and the notes to those acts respectively.]

A further SUPPLEMENT to an act, entitled "An act directing the descents of intestates real estates and distribution of their personal estates, and for other purposes therein mentioned."

Proceedings, where the lands of intestates, consisting of one entire tract or several adjoining tracts, fall in different counties.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That when any person or persons have heretofore died, or shall hereafter die intestate, seized of real estate, situate, lying and being in one tract, or in one or more tracts adjoining each other, on the line or lines of any county or counties in this commonwealth, whereby part or parts of the said tract, or adjoining tracts, is, are or may be in two or more of the said counties adjoining, it shall and may be lawful, in case of an application to the Orphans' Court of the county in which the principal mansion is situate, for an inquest to make partition or appraise the real estate of such intestate, to issue their writ to the sheriff of the county within the jurisdiction of said court, specifying the lands in the said county, and the county or counties adjoining, of which a partition or valuation is intended to be made, and thereupon it shall and may be lawful for the said sheriff to summon an inquest, according to law, to divide or value the said lands, in the same manner as if the whole were within his proper bailiwick, and upon the return thereof to the Orphans' Court, out of which such writ issued, the said court may further proceed thereon as if all the said lands were in the county and within the jurisdiction of said court, and to decree partition thereof, or allot the whole to any one of the heirs, according as the inquisition may be returned to them, as fully and amply as they now may or can do, where real estate is wholly in any one county, and any recognizance or recognizances taken by them, in pursuance of such proceeding, shall be valid and effectual to all intents and purposes, and the final decree of such court thereon shall have the same operation, to vest the title of such estate in the heir or heirs who may accept of the same,*

as any decree of any Orphans' Court in any county within their jurisdiction heretofore has had: *Provided*, That an exemplification of the proceedings, which may at any time hereafter be had, shall, within twenty days after the final decree therein, be delivered to the clerk or clerks of the Orphans' Court or courts in such adjoining county or counties in which the application shall not have been made, and in which any parts of the said lands are or may be situated, which clerk or clerks shall enter the same of record on the Orphans' Court docket of his proper county, at the joint expense of all parties concerned therein.

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Passed 1st April, 1805.—Recorded in Law Book No. X. page 158.

CHAPTER MMDLXXXV.

A SUPPLEMENT to an act, entitled "*An act for the consolidation and amendment of the laws as far as they respect the poor of the city of Philadelphia, the district of Southwark, and the township of the Northern-Liberties.*" [Original act, ante. pa. 50.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, all money levied, assessed and collected for the use of the poor of the city of Philadelphia, the district of Southwark, and the township of the Northern-Liberties, shall be under the control and superintendence of the general Board of Guardians of the poor of said city and districts, and the rules, regulations and restrictions of every department respecting the poor, shall be prescribed by the said board, and shall be obligatory on each and every of their officers and servants, excepting so far as relates to the internal regulation of the alms-house and house of employment, and no money shall be drawn from the treasury of the corporation but by an order of the general board, signed by their president, or, in his absence, by the chairman for the time being, and countersigned by the secretary.

All monies levied and collected for the use of the poor of the city and suburbs of Philadelphia to be under the control of the Board of Guardians, &c.

SECT. II. *And be it further enacted by the authority aforesaid, That* all vacancies which shall occur in the Board of Guardians, by death, resignation or otherwise, such vacancy shall be filled in the following manner; *to wit*, The president of the general board, upon satisfactory information given to the board of any vacancy having occurred, shall give notice in writing to the president of that constituent part of the board in which the vacancy has happened, requesting them to supply such vacancy within ten days thereafter, by the choice of one or more freeholder, or good and substantial house-keeper, to fill such vacancy, and upon every general or special election, the corporations of the city of Philadelphia, and the district of Southwark, and the Justices of the Peace of the township of the Northern-Liberties, shall direct their respective clerks to give a written or printed notice to the person or persons so chosen, and a general return to the president of the Board of Guardians, which

How vacancies in the Board of Guardians are to be supplied.

1805.

person or persons so chosen, to fill any vacancy as aforesaid, shall be entitled to all the rights, and subject to the like duties, fines and forfeitures as are granted or imposed by the act to which this is a supplement.

When the Board of Guardians shall deem it expedient to erect additional buildings, how they are to proceed.

SECT. III. *And be it further enacted by the authority aforesaid,* That when it shall appear expedient to the general Board of Guardians of the poor to erect additional buildings, they shall present their plan to the select and common councils of the city of Philadelphia, the corporation of the district of Southwark, and the Justices of the Peace of the township of the Northern-Liberties respectively, and if, upon review of such plan by those bodies, they, or a majority of each of them, shall approve of and report the same to the Board of Guardians, it shall be the duty of the said board to publish proposals for erecting a building agreeably to the plan so approved, and shall pay for the same out of any money in their treasury.

Passed 1st April, 1805.—Recorded in Law Book No. X. page 159.

CHAPTER MMDLXXXVI.

An ACT to repeal part of certain acts of the General Assembly for regulating the fisheries on Conestogoe river.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the fourth section of the act, entitled “An act for regulating the fishery in the river Conestogoe, in the county of Lancaster,” passed the twenty-second day of January, one thousand seven hundred and seventy-four, and so much of the second section of the act, entitled “A supplement to an act, entitled “An act for regulating the fishery in the river Conestogoe, in the county of Lancaster,” passed the fourth day of October, one thousand seven hundred and eighty-eight, as prohibits, under certain penalties, the use of any sweep-net, draw-net, draught-net, cast-net, stalker, sturchel or shore-net, or nets of any other name or description, or any sein, or seins, in the river Conestogoe, below the mouth of Muddy creek, be, and the same are hereby repealed.

Passed 1st April, 1805.—Recorded in Law Book No. X. page 160.

CHAPTER MMDLXXXVII.

An ACT for the speedy redemption of certain certificates therein mentioned.

WHEREAS by an act, entitled “An act to compensate David Meade and others,” passed the ninth day of March, one thousand seven hundred and ninety-six, certain certificates were issued as

[Vol. 1, pp. 416, vol. 2, pp. 460.]

Parts of former acts repealed.

[See vol. 3, pp. 267, 461.]

evidences of credits in favour of the said David Meade and others; and as a part of the debt created by the said certificates remains unpaid, and as justice to individuals, as well as the interest of the state, requires that it should be speedily extinguished: Therefore, 1805.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* it shall be optional with the holders of certain certificates, usually called "Wyoming Credits," issued under "An act to compensate David Meade and others," passed the ninth day of March, one thousand seven hundred and ninety-six, as also the holders of those issued under an act, entitled "An act for the relief of Peter Wikoff, Jonathan Bayard Smith, and others," passed the nineteenth day of February, one thousand eight hundred and one, to receive from the treasury of this commonwealth the amount of said certificates, or any of them, or to apply them in taking out warrants for lands, or in discharge of arrearages on former grants, and the warrantee or warrantees who may pay the purchase-money of the lands granted by any warrant or warrants, or any part of it in the certificates of either of the descriptions aforesaid, shall be as liable to the payment of fees, and the conditions of settlement and cultivation, as is or may be required of those who pay the purchase-money in specie, and no credit shall be hereafter allowed to any person paying for lands with the credits aforesaid, on account of expenses incurred in surveying or locating any lands; any custom or usage to the contrary notwithstanding.

Made optional with the holders of certain certificates, to receive the amount of them at the treasury, or apply them in payment for lands:

But the lands so paid for, not to be discharged from the condition of settlement.

Passed 1st April, 1805.—Recorded in Law Book No. X. page 161.

CHAPTER MMDLXXXVIII.

An ACT to organize the provisional County of Venango.

[See vol. 3, pa. 421, and the note thereto.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the first day of September next, the inhabitants of the county of Venango shall enjoy and exercise all and singular the jurisdictions, powers and privileges whatsoever within the same, which the inhabitants of other counties do, may or ought to enjoy within their respective counties by the constitution and laws of this commonwealth.

The county of Venango to enjoy all the rights and privileges enjoyed by other counties.

SECT. II. *And be it further enacted by the authority aforesaid, That* the Judges of the Supreme Court, the President of the sixth Circuit or District, and the Judges to be appointed in the said county of Venango, shall have and exercise like powers, jurisdictions and authorities within and over the same, as are or may be warranted to and exercised by the Judges in other counties within this state.

Of the powers to be exercised within said county by the Judges of the Supreme Court and Common Pleas.

SECT. III. *And be it further enacted by the authority aforesaid, That* the Sheriffs, Coroners, Treasurers and all such other officers as have usually given, or as, are or may be by law directed to give

Of the security to be given by the county officers.

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Of the public buildings to be erected within said county.

SECT. IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners of the county of Venango, and they are hereby required to erect, or cause to be erected, on such part of the public square in the town of Franklin, as they may deem best suited thereto, a court-house, prison, and offices for the safe-keeping of the papers and records of said county, and, until such court-house is erected, the courts of justice shall be opened and held in such house in said town as the Judges and Commissioners may think proper.

Certain duties to be performed by the commissioners of Venango county with those of Crawford.

SECT. V. *And be it further enacted by the authority aforesaid,* That the commissioners of Venango county shall have authority to call on the commissioners of Crawford county for the purpose of examining, liquidating and receiving such balances as may be due to Venango county, and reserved for the use of the same, agreeably to an act, entitled, "An act to erect certain parts of Allegheny, Westmoreland, Washington and Lycoming counties into separate counties," passed the twelfth day of March, one thousand eight hundred.

Of the election of county officers.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the inhabitants of Venango county, qualified to elect, shall, on the second Tuesday of October next, choose suitable persons for Sheriffs, Coroners and Commissioners for said county, in the same manner, and under the same regulations and penalties, as similar officers are chosen in the other counties of this state; and said officers chosen and qualified as aforesaid, shall have and enjoy all and singular the powers, privileges and emoluments arising out of, or incident to their offices respectively; and, until it shall be otherwise directed by law, the county of Warren shall be and the same is hereby annexed to Venango county, and the inhabitants of Warren county shall, in conjunction with those of Venango, have, exercise and enjoy all the privileges granted to the inhabitants of Venango county by this act, as fully as if the said county had been a component part of the county of Venango.

Warren county annexed to Venango.

Times of holding the county courts, &c.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the Courts of Common Pleas and Quarter Sessions of the Peace for the county of Venango, shall, from and after the first day of December next, commence and be holden on the second Monday after the courts in Erie county, and no action or suit now commenced, or that may be commenced in Crawford county courts before the first day of November next, against any person living or residing within the bounds of Venango and Warren counties, shall be stayed, discontinued or affected by this act, but the same may be prosecuted to the final issue, in the same manner as if this act had not been passed.

Repealing clause.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That any law or laws, or part of any law which is or are by this act

altered or supplied, shall be so far, and no farther, repealed and made void. (h) 1805.

Passed 1st April, 1805.—Recorded in Law Book No. X. page 161.

(h) By the Judiciary act passed 24th February, 1806, the counties of Mercer, Butler, Venango, Crawford and Erie are formed into the sixth district, and a new arrangement made as to the time of holding the courts. (Note to former edition.)

CHAPTER MMDLXXXIX.

An ACT to enable the Governor to incorporate a company to make an artificial road from the Spring-house tavern, in Montgomery county, through Strawn town, in Bucks county, to Bethlehem, in Northampton county.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions for the Spring-house and Bethlehem turnpike road. Form of subscription prescribed. Notice to be published of the times and places when and where subscription books will be opened. Who may subscribe, and the number of shares to be subscribed for; if not obtained in three days the commissioners may adjourn, from time to time. Subscribers to pay ten dollars on each share at the time of subscribing. 2. When a sufficient number of shares are subscribed for, the commissioners to certify, &c. to the Governor; who shall thereupon incorporate the company, by the name of "The Spring-house and Bethlehem Turnpike Company," with the usual corporate powers and privileges. 3. Commissioners to notify the company to meet for the purpose of organizing the corporation, and choosing officers, &c. No stockholder to have more than five votes. 4. The times of annual and special meetings of the company prescribed, and power of the company at such meetings. 5. Certificates of shares to be issued, which shall be transferable, &c. 6. Meetings of the president and managers, and proceedings at such meetings prescribed. 7. Regulations in case of neglect to pay the subscription money. 8. Authority for the president, managers, &c. to enter lands, quarries, &c. and lay out the route or track of the road. 9. Power of the president, managers, &c. to take materials, &c. and mode of estimating the compensation therefor, prescribed. 10. Mode of assessing damages to persons over whose land the road may pass, by viewers appointed by the court. 11. Regulations for laying out the road, &c. The company shall have authority to erect bridges. 12. When license to erect gates may be obtained; but no toll shall be demanded or taken from any person or persons passing or repassing from one part of his or her farm to another, and all persons attending funerals, places of worship, and all militia men, on days of training, their horses and carriages, shall be exempt from the payment of tolls in going to and returning therefrom. 13. When the company may appoint toll-gatherers, and rates of tolls prescribed; and if any person or persons shall represent to the said company, or any of their officers, that he, she or they have travelled a less distance than he, she or

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they have actually travelled along the said road, with intent to defraud the said company of its toll, or any part thereof, such person or persons shall, for every such offence forfeit and pay to the use of the said company, the sum of sixteen dollars; and if any toll-gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded shall have travelled along the said turnpike road, or shall demand and receive greater toll from any person or persons than such toll-gatherer is authorized to demand and receive, by virtue of this act, such toll-gatherer shall forfeit and pay the sum of twenty dollars, for every such offence, to the use of the poor of the township in which the forfeiture is incurred; but if there be no poor, then to the supervisors for the repair of the roads in said township, and for the payment of which the said company shall be responsible. 14. Comparative toll of oxen, mules and horses.]

Proceedings
in case the
road shall
not be kept
in good re-
pair.

SECT. XV. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good and perfect order for the space of five days, and information thereof shall be given to any Justice of the Peace of the neighbourhood, within the county where the repair ought to be made, such justice shall issue a precept to be directed to any constable, commanding him to summon three disinterested persons to meet at a certain time, in the said precept to be mentioned, at the place in the said road of which complaint is made, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto within the said county, and the said justice shall, at such time and place, on the oaths or affirmations of the said persons, enquire whether the said road, or any part thereof, is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made under the hands of himself and a majority of the said persons, and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall so certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put into good and perfect order and repair as aforesaid; and if the same shall not be so put into good and perfect order and repair, before the next General Court of Quarter Sessions of the Peace, to be held for the county in which the defect is proved to be, the aforesaid justice shall certify and send a copy of the inquisition aforesaid, to the justices of the said court; and the said justices shall thereupon cause process to issue; and bring in the body or bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be so found defective, and shall direct a bill of indictment to be sent to the grand inquest against the person or persons entrusted by the said company as aforesaid, and upon conviction shall give such judgment, according to the nature and aggravation of the neglect, as the said court may deem just and proper; and the fines and penalties so to be imposed shall be recovered in

In certain
cases toll
shall not be
demanded.

the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed; to be applied to repairing the public roads within such township. 1805.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That if any person or persons whomsoever, owning, riding in, or driving any sulkey, chair or chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of pleasure or burthen, riding or leading any horse, mare or gelding, or driving any hogs, sheep or other cattle, shall therewith pass through any private gates or bars, or along or over any private passage, way or other ground near to or adjoining any turnpike, or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company, and avoid the payment of the toll or duty for passing through any such gate or turnpike; or if any person or persons shall, with such intent, take off, or cause to be taken off, any horse, mare or gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of pleasure or burthen, or practise any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, every person or persons, in all or any of the ways or manners aforesaid offending, shall, for every such offence respectively, forfeit and pay to the president, managers and company of the Spring-house and Bethlehem turnpike road, any sum not exceeding ten dollars; to be sued for and recovered, with costs of suit, before any Justice of the Peace, in like manner, and subject to the same rules and regulations as debts of a similar amount may be sued for and recovered: *Provided always,* That if any person or persons shall be prosecuted under this section of the act, and the said prosecution shall not be sustained on the part of the prosecutors, then, and in such case, the person or persons prosecuted as aforesaid, shall receive from the company the sum of ten dollars, in lieu of damages arising from delay and vexatious prosecution; recoverable as other fines under this act.

Penalty for endeavouring to avoid the payment of toll.

Proviso in case an action for such penalty is not sustained.

SECT. 17. [Fair accounts of the company to be kept; and submitted annually to the stockholders. If the capital stock shall be found insufficient to complete the road, the shares may be increased. 18. Accounts of monies collected for toll to be kept; and the profits divided among the stockholders. Notice to be published when and where the dividends will be paid. 19. An abstract of the accounts to be laid before the legislature. And if the profits will not yield a dividend of six per cent. the tolls may be increased; but when they exceed a dividend of nine per cent. the surplus to be appropriated in buying off the shares, and when all the shares are bought off the road shall be free. 20. Direction posts and index-hands to be erected at the intersection of every road with the turnpike.]

SECT. XXI. *And be it further enacted by the authority aforesaid,* That the said company shall cause mile-stones to be placed on the side of the said road, beginning at the distance of one mile from the Spring-house, and extending thence to the termination of the turnpike aforesaid, whereon shall be marked, in plain legible charac-

Mile-stones, &c. to be erected on the road;

1805.

and at every gate the distance from certain places to be marked.

Penalty for destroying mile-stones, &c.

or throwing any rubbish in the road.

Directions for drivers on said road.

Penalty for offending against this provision.

ters, the respective number of miles which each stone is distant from Philadelphia, and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from the Spring-house and the distance from the nearest gates or turnpikes, in each direction, to be marked in legible characters, designating the number of miles and fractions of a mile, on the said gates or some other conspicuous place, for the information of travellers and others using the said road; and if any person shall wilfully destroy the said posts, boards, index-hands or mile-stones, or deface the same, or deface the directions made on the said gates, or other conspicuous places, as aforesaid, or shall, without permission of the acting superintendant of the said road, throw out upon the said road, or within the limits of the same, and suffer to remain for the space of one day, any mould, dirt, shavings, weeds or rubbish of any kind, such person being convicted thereof by the evidence of one or more credible and disinterested witness or witnesses, before any Justice of the Peace of the county, not interested in the road, he or she shall be adjudged by the said justice, to pay a fine not exceeding ten dollars, to be recovered, with costs, as debts of equal amount are or may be by law recoverable; which fine, when recovered, shall be paid by the said justice to the treasurer of the said company, for the use of the said company.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That all waggoners and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, shall, except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road in the passing direction, leaving the otherside of the road free and clear for other carriages to pass and repass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be obstructed in his passage and will sue for the same, to be recovered with costs before any Justice, in the same manner as debts of equal amount are or may be by law recoverable.

SECT. 23. [Time allowed for commencing and finishing the road.
24. Proceedings in case the legislature should think proper to purchase the road.]

Passed 4th April, 1805.—Recorded in Law Book No. X. page 163.

CHAPTER MMDXC.

An ACT enjoining certain duties on the holders of land-warrants not executed, and on the holders of unseated lands.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of all persons now holding or that may hereafter hold unexecuted land-warrants, to file or enter the same with the surveyors of the proper district within two years after the passing of this act, or within two years after the date of such warrants respectively, and on failure thereof, such warrant or warrants shall

Within what time unexecuted land-warrants are to be filed with the deputy-surveyor.

not have any force or effect against a warrant of later date, nor against an actual settler on the lands called for in such unexecuted warrant. 1805.

[SECT. II. *And be it further enacted by the authority aforesaid,* That it shall be the duty of all holders of unseated lands to file his, her or their title or claim with the commissioners of the proper county, within one year from and after the passing of this act, or within one year after he, she or they shall become possessed of the title or claim to such lands, and, on failure thereof, it shall be the duty of the county commissioners whenever such lands shall come to their knowledge, to assess on said lands four times the amount of tax that such lands would have been liable to, had they not been secreted, and to enforce the collection thereof in the same manner that taxes due on unseated lands are or may be assessed and collected: *Provided always,* That nothing in this act contained shall be construed as giving any greater validity to unexecuted land-warrants than they are now entitled to, nor to the detriment of persons under legal disabilities: *Provided,* Such person or persons comply with the foregoing requisitions within the time or times limited respectively after such disability shall be removed.] (i)

The holders of unseated lands to file their titles with the commissioners of the proper county within one year, &c.

Passed 4th April, 1805.—Recorded in Law Book No. X. page 174.

(i) See a supplement passed March 28th, 1806, (chap. 2709,) by which the 2d section of this act is repealed, and the time extended to the 4th Monday in November, 1806—the section is however retained as many landholders have complied with the provisions of it, and are not required to file their titles anew. (*Note to former edition.*)

CHAPTER MMDXCI.

An ACT declaring Wyalusing creek a public highway.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That all that part of Wyalusing creek, situate between the mouth thereof and Picket's mill, near the forks of said creek, be and the same is hereby declared a public highway for the passage of boats and rafts, and it shall and may be lawful for persons desirous of using the navigation of said creek, to remove all natural and artificial obstructions; and to erect such slopes and locks at the mill dams now built as may be necessary for the passage of boats and rafts: *Provided,* such slopes and locks shall be so constructed as not to injure the works of said dams.

Part of Wyalusing creek declared a public highway.

Passed 4th April, 1805.—Recorded in Law Book No. X. page 174.

CHAPTER MMDXCII.

An ACT to authorize the inhabitants of Cambria county to elect with the inhabitants of Somerset county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly*

1805.

Inhabitants
of Cambria
to elect re-
presenta-
tives, &c.
with Somer-
set county.

met, and it is hereby enacted by the authority of the same, That the inhabitants of Cambria county shall elect with the inhabitants of Somerset county for members of Federal and State Legislatures, and also for county officers, until said county shall be organized.

Passed 4th April, 1805.—Recorded in Law Book No. X. page 175.

CHAPTER MMDXCIII.

An ACT declaring parts of the branches of Pine creek, in the counties of Tioga and Potter, public highways.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the west branch of Pine creek from the third fork, in the county of 'Tioga, to the forks at the Elk-Lick, in the county of Potter, and also the said third fork from its mouth to Morris's marsh, in the said county of 'Tioga, shall be, and the same are hereby declared to be public highways, for the passage of boats and rafts, and it shall and may be lawful for the inhabitants, and others desirous of using the navigation of the said branches, to remove all natural or other obstructions in the same: Provided nevertheless, That any person or persons owning or possessing lands on the said branches, shall have liberty to erect any dam or dams across the same, agreeably and subject to the restrictions and provisions of the act of the General Assembly of this commonwealth, passed on the twenty-third day of March, one thousand eight hundred and three, entitled, "An act to authorize any person or persons owning lands adjoining navigable streams of water, declared public highways, to erect dams upon such streams for mills and other water-works."*

East of Pine
creek declar-
ed a public
highway.

Proviso in
favour of
persons own-
ing lands on
the branches
of said creek.

Passed 4th April, 1805.—Recorded in Law Book No. X. page 175.

CHAPTER MMDXCIV.

An ACT appropriating a sum of money for viewing and opening a road from the town of Somerset, in the county of Somerset, to Greensburgh, in the county of Westmoreland.

WHEREAS it has been represented to the Legislature, that a road if laid out and opened in a direct course from the town of Somerset, in the county of Somerset, to Greensburgh, in the county of Westmoreland, would be a great accommodation to the inhabitants of the adjacent country, and as a public post-road of general utility: And whereas it appears that a great part of the country through which the road must pass is mountainous and uninhabited, so that a road cannot be opened by the townships in the usual way: Therefore,

1805.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the Governor is hereby authorized to appoint three commissioners, one of whom shall be a practical surveyor, to lay out and mark a public highway from the town of Somerset, in the county of Somerset, in the most direct practicable route to Greensburgh, in the county of Westmoreland, and the said commissioners shall proceed to perform said service at such time as the Governor shall direct, and shall cause a draft of said road to be deposited in the office of the Secretary of the commonwealth, and shall also deposit a copy of said draft in the prothonotary's office in each of the counties of Somerset and Westmoreland, which shall be deemed a record of said road, which from thenceforth shall be to all intents and purposes a highway, and shall be kept in repair as other roads laid out by order of the courts of Quarter Sessions are in said counties.*

The Governor authorized to appoint three commissioners to lay out and mark the best route for the road :

Who shall deposit a draft thereof in the Secretary's office, and a copy of said draft in the prothonotary's office in each of the counties of Somerset and Westmoreland.

SECT. 2. [Compensation of the commissioners ; and allowance to chain-carriers. 3. Eight hundred dollars appropriated, payable out of the arrearages of State taxes due from Westmoreland. 4. Money appropriated, to be applied to the opening of so much of said road as lies in Westmoreland county.]

Passed 4th April, 1805.—Recorded in Law Book No. X. page 176.

CHAPTER MMDXCIX.

An ACT concerning election districts.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the electors of the township of Meade, in the county of Crawford, shall hold their elections at the court house in the town of Meadville.*

Where the electors of Meade township in Crawford county, shall hold their elections.

SECT. II. *And be it further enacted by the authority aforesaid, That the township of Mahantango in the county of Northumberland, shall form an election district, and the electors thereof shall hold their general elections at the house of Frederick Stees, in said township.*

Mahantango township, in Northumberland county, erected into an election district ; place of holding elections.

SECT. III. *And be it further enacted by the authority aforesaid, That Pitt township in the county of Allegheny, shall be erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Thomas Wilson, in said township.*

Pitt township in Allegheny county, ditto; place of holding elections.

SECT. IV. *And be it further enacted by the authority aforesaid, That Saint Clair township, in the county of Allegheny, shall be erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Thomas McCulley, in said township.*

Saint Clair township, in the same county, ditto.

SECT. V. *And be it further enacted by the authority aforesaid, That the electors of Ohio township, in the county of Allegheny,*

Ohio township, in the same county, ditto.

1805. shall hold their general elections at the house now occupied by John Moore, in said township.

Moon town-
ship, in the
same county,
ditto.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the electors of Moon township, in the county of Allegheny, shall hold their general elections at the house now occupied by John Byers, in said township.

The fifth
election dis-
trict in
Greene
county,
erected.

SECT. VII. *And be it further enacted by the authority aforesaid,* That part of Greene county, included within the following boundaries, viz. Beginning at Washington county line, at the house of Thomas Carter, thence along the ridge dividing the waters of Batses fork and those of Brown's run to Michael Turner's; thence in a right line to Benjamin Clark's; thence down Hothoway's run to the south fork of Ten mile creek; thence along the ridge which divides the waters of south, from those of M'Cortney's fork to the head of Fish creek; thence along the ridge dividing the waters of Fish creek, and those of Wheelen to the line of Virginia; thence along the line of Greene county to the place of beginning, including the dwellings aforesaid, shall be a separate election district, to be called the fifth district, and the electors thereof shall hold their general elections at the house now occupied by Daniel Gray, Esq. in the district aforesaid.

Place of hold-
ing elections.

The eleventh
election dis-
trict erected
in Lancaster
county.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the township of Cærnarvon, and part of the township of Earl and Salisbury, in the county of Lancaster, shall form a separate election district, bounded as follows: *to wit,* Beginning at Chester county line at James M'Calmont's mill; from thence to William Gault's land where Henry Gable lives; thence to Matthew Henderson's land where Henry Orledy lives, in the township of Salisbury; from thence to the Presbyterian meeting-house (called the run) in earl township; thence to the road which leads from Church town to New-Holland, where the road from Christian Weaver's mill intersects the same; thence along the said road to the said Christian Weaver's mill; thence between the lands of George Kinser and Martin Overholser, to the Brecknock township line; thence along the line dividing said Brecknock and Cærnarvon townships to Berks county line; including in the district, all the within recited places; which said township of Cærnarvon, and part of the township of Earl and Salisbury above bounded, together with the places mentioned in the county of Lancaster, shall be, and hereby are made a separate election district, to be called the eleventh district, and the electors thereof shall hold their general elections at the house formerly occupied by Thomas Perkins as a tavern, now the property of Jesse Laverty, in Church town, within said district; any law to the contrary notwithstanding.

Place of
holding elec-
tions.

Ditto in
Mount-joy
township,
Lancaster
county, be-
ing the third
district.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the electors of the township of Mount-joy, being the third district in the county of Lancaster, shall hereafter hold their general elections at the house now occupied by Henry Mayer's, in the township and county aforesaid.

Ditto in Bald-
Eagle town-
ship, Centre
county.

SECT. X. *And be it further enacted by the authority aforesaid,* That the electors of the fourth election district composed of Bald Eagle township, in Centre county, shall hold their elections at the house now occupied by John Fredericks, in said district.

SECT. XI. *And be it further enacted by the authority aforesaid,* 1805.
That Greenfield township, in Bedford county, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Ulrich Zeth, in said township.

Greenfield township, Bedford county, erected into a separate election district; place of holding elections. Original boundary of M'Kean township,

SECT. XII. *And be it further enacted by the authority aforesaid,* That the original boundary of M'Kean township, in the county of Erie, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Alexander Hamilton, in said district.

Erie county, made an election district: Place of holding elections. Place of holding elections in the district composed of part of M'Dowel's and North-Irwin districts; in Warren and Venango counties.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the part of the district known by the name of M'Dowel's district which lies within the provisional county of Warren, be, and the same is hereby annexed to North-Irwin election district in the county of Venango, and the electors residing within the said part of M'Dowel's district, shall vote at the place appointed by law for holding the general elections in North-Irwin election district.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That Venango township, in the county of Crawford, is hereby erected into an election district, and the electors thereof shall hold their elections at the house now occupied by Philip Straw, in said township.

Venango township, Crawford county, erected into an election district.

SECT. XV. *And be it further enacted by the authority aforesaid,* That Sadsbury and West-Calm townships, in the county of Chester be, and hereby are erected into a separate election district, to be called the tenth district, and the electors thereof shall hold their general elections at the house of John Sloan, now occupied by John Jones, innkeeper, in the township of Sadsbury aforesaid. And the third section of the act, entitled, "An act erecting certain election districts, and making alterations in other districts in certain counties within this commonwealth," passed the third day of April, one thousand eight hundred and four, be and the same is hereby repealed.

Place of holding elections. The tenth election district, in Chester county, erected. Place of holding elections.

Third section of a former act, erecting election districts, repealed.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That all that part of Pittstown election district, in the county of Luzerne, within the following boundaries; *to wit,* Beginning on the bank of the Susquehanna river, where the south line of said election district crosses said river; thence north by the same river to the mouth of Falling-spring creek; from thence north ten degrees east, to the north line of said election district, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by John Harding; any law to the contrary notwithstanding.

Part of Pittstown, in Luzerne county, erected into a separate election district.

Place of holding elections.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That the following described part of the county of Lycoming shall be a separate election district; *to wit,* Beginning at the north-east corner of the township of Burlington; thence south on the east line of said township to the north line of the county of Luzerne; thence west on said line to the east line of the county of Tioga; thence northerly on said line to a point due west from the north-west corner of the township of Ulster; thence east seven miles; thence south to the north line of the township of Burlington;

Burlington election district erected in Lycoming county.

1805.

Place of holding elections.

Dyberry township, and part of Canaan township, in Wayne county, erected into a separate election district.

Place of holding elections.

Place of holding elections in Georgetown district, in Beaver county.

Place of holding elections in Antrim township, in Franklin county.

The township of Fairfield, in the county of Westmoreland, erected into a separate election district.

Place of holding elections.

The township of Donnegal, in same county, ditto. Place of holding elections.

Conemaugh township, Somerset county, made a separate election district. Place of holding elections.

The townships of Coolspring, Delaware, Lackawannick, Springfield and Mercer, in Mercer county, erected into an election district.

Place of holding elections.

The township of Sandy lake in same county, ditto.

Place of holding elections.

Wolf creek township, in Mercer county, made an election district.

Place of holding elections.

Place of holding elections.

Place of holding elections.

thence east on said line to the place of beginning ; to be called Burlington District, and the electors thereof shall hold their general elections at the house now occupied by Nathaniel Alter, in Burlington aforesaid.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That Dyberry township, and that part of Canaan township north of Middle creek, now belonging to the third election district, in Wayne county, be erected into a separate election district, and the electors thereof shall hold their general elections at the court house at Bethany, in said county.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That the electors of the Georgetown election district, in Beaver county, shall hereafter hold their general elections at the house now occupied by William Kerneghey, in said town.

SECT. XX. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the electors in Antrim township, in the county of Franklin, shall hold their general elections at the house of John Beshore, in the borough of Greencastle ; any law or usage to the contrary notwithstanding.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That the township of Fairfield, in the county of Westmoreland, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by William Ramsay, at the place known by the name of Palmer's Fort, in said township.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That the township of Donnegal, in the county of Westmoreland, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Major John Ambrose, in said township.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That Conemaugh township, in the county of Somerset, shall be a separate election district, and the electors thereof shall hold their elections at the house now occupied by John Forrey, in the township aforesaid.

SECT. XXIV. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the townships of Coolspring, Delaware, Lackawannick, Springfield and Mercer, in the county of Mercer, shall be an election district, and the electors thereof shall hold their general elections at the court-house in the town of Mercer.

SECT. XXV. *And be it further enacted by the authority aforesaid,* That the township of Sandy lake, in the county of Mercer, shall be an election district, and the electors thereof shall hold their general elections at the house now occupied by Adam Hill, in said township.

SECT. XXVI. *And be it further enacted by the authority aforesaid,* That the township of Wolf creek, in the county of Mercer, shall be an election district, and the electors thereof shall hold their general elections at the house now occupied by Daniel M'Kinley, in said township.

SECT. XXVII. *And be it further enacted by the authority aforesaid,* That the township of Slippery-rock, in the county of Mercer, shall

be an election district, and the electors thereof shall hold their general elections at the house now occupied by Joseph Campbell, in said township.

SECT. XXVIII. *And be it further enacted by the authority aforesaid, That so much of any act or acts as is or are by this act altered, be, and the same is hereby repealed.*

Passed 4th April, 1805.—Recorded in Law Book No. X. page 184.

CHAPTER MMDC.

A SUPPLEMENT to the Act, entitled, "An Act for extending the benefits experienced from the institution of the Pennsylvania Hospital."

WHEREAS the Managers of the Pennsylvania Hospital have represented to the Legislature, that in pursuance of the provisions of the act to which this is a supplement, they have recovered and received the sum of twenty-six thousand six hundred and sixty-six dollars and sixty-seven cents, granted by the Legislature, and faithfully applied the same, agreeably to the directions of the said act; and whereas the said Managers have requested to be discharged from the other duties assigned them by the said act: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* whenever and as soon as the managers of the Pennsylvania hospital shall transfer, assign and deliver over to the state-treasurer all the bonds, mortgages and other securities now in their possession, which were transferred and assigned to them in pursuance of the act, entitled, "An act for extending the benefits experienced from the institution of the Pennsylvania hospital;" and shall give to the said treasurer all the information which they possess concerning the premises, all the trusts and duties assigned them by the said act shall cease and determine, and the said treasurer is hereby authorized and directed to collect the balances due upon such bonds, mortgages and other securities so transferred and assigned to him as aforesaid, for the use of the commonwealth, and for that purpose shall have, use and enjoy all the powers and authorities granted or intended to be granted to the said managers, by the act to which this is a supplement, and subject to the limitations, provisions and restrictions contained in the second section of said act; any law to the contrary in any wise notwithstanding.

Passed 4th April, 1805.—Recorded in Law Book No. X. page 182.

CHAPTER MMDCV.

An ACT to encourage the patenting lands and for other purposes.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assem-*

1805.

Place of holding elections.

The township of Slippery-rock, in the same county, ditto.

Place of holding elections.

Repeal of so much of any former acts as is or are altered by this.

[Original act, vol. 3, pa. 117, and see vol. 1, pa. 208, chap. 390, and the notes there-to.]

On the delivery of certain bonds, mortgages, and other securities, by the Pennsylvania Hospital by the State-treasurer, he is directed to collect the balances.

[See the note to chap. 1083, vol. 2, pa. 231. 252, see also an act passed 30th

1805.

March,
1811.]
Patents to issue for lands, on payment of fees of office, and executing a mortgage for the payment of the purchase money in ten equal annual instalments.

The execution of the mortgage to be endorsed on the patent.

The state-treasurer, annually to exhibit a statement of the amount of money received thereon, to the Governor, who is to vest one half of the same in certain stock.

Provided it does not interfere with the act to compensate Pennsylvania claimants of certain lands in Luzerne.

[Supplied.]

The act to extend the time of patenting lands continued.

bly met, and it is hereby enacted by the authority of the same, That the Receiver-General of this commonwealth, be, and he is hereby authorized to settle the accounts of all persons who may apply within three years from and after the passing of this act, who are indebted to this commonwealth for the purchase money of lands, and the interest due thereon, and who have not received patents for their lands; and on the payment of the usual fees of office, such persons shall receive their patents upon executing a mortgage to the Governor for the use of the commonwealth, to secure the payment of the aggregate of the arrears of purchase money and interest due, in ten equal annual instalments, the interest of the whole aggregate sum remaining due to be paid yearly, and all mortgages which shall be executed in pursuance of this act, shall be filed in the office of the Secretary of the Land-Office, and shall be available in law without the recording thereof; and it shall be the duty of the Secretary of the Land-Office, before he shall deliver any such patent to be enrolled, to endorse thereon that a mortgage is executed by the patentee to the Governor for the use of the commonwealth, to secure the payment of arrearages, and also endorse thereon the amount thereof.

[SECT. II. *And be it further enacted by the authority aforesaid, That the state treasurer shall on the first Monday of January, annually, exhibit to the Governor a statement of the amount of the money then in the treasury, received from the Receiver-General for the purchase money and interest, which the said Receiver-General has paid into the treasury for lands; and the Governor is hereby required to apply one half of the money aforesaid to the purchase of stock of the United States, or of any of the banks, for the use of the commonwealth; the said stock to be considered inviolable, and the interest thereof to be applied for the support of government; and such part of the principal of the stock of the United States, which may be purchased as aforesaid, as may, from time to time, be redeemed, shall be applied by the Governor to the renewal of the said stock, or vested in some other stock; and the secretary of the commonwealth is hereby required to make an annual report to the Legislature of what proceedings have been had under this act: Provided however, That the provisions contained in this section shall in no wise interfere with or impede the operation of the third section of the act, entitled, an act for offering compensation to the Pennsylvania claimants, of certain lands within the seventeen townships in the county of Luzerne, and for other purposes therein mentioned, passed the fourth of April, one thousand seven hundred and ninety-nine.*]

SECT. III. *And be it further enacted by the authority aforesaid, That the act entitled, an act, to extend the time for patenting lands and for other purposes, passed the twenty-sixth day of January, one thousand eight hundred and two, and all matters and things therein contained, shall be and is hereby further extended for three years from and after the passing of this act.*

Passed 4th April, 1805.—Recorded in Law Book No. X. page 191.

CHAPTER MMDCVIII.

1805.

A SUPPLEMENT to an Act, entitled, "An Act to empower the Trustees of Crawford county to erect a suitable building for a seminary of learning in the town of Meadville." [Original act, vol. 3, pa. 510.]

SECT. 1. [ADDITIONAL trustees appointed, who are to have like powers with the former trustees. Any nine of the whole number of trustees to be a quorum to do business, &c. 2. Repeal of the second section of the original act.]

Passed 4th April, 1805.—Recorded in Law Book No. X. page 195.

CHAPTER MMDCIX.

A SUPPLEMENT to the act, entitled, "An act declaring Tuscarora creek a public highway."

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* all that part of Tuscarora creek, situate between the mouth thereof and the forks, near to Morrow's mill, which has not been declared a public highway, by the act to which this is a supplement, passed the twenty-sixth day of February, one thousand seven hundred and ninety-six, be, and the same is hereby declared a public highway, for the passage of boats and rafts; and it shall and may be lawful for persons desirous of using the navigation of said creek to remove all natural and artificial obstructions, and to erect such slopes and locks at the mill-dams now built as may be necessary for the passage of boats and rafts: *Provided*, such slopes and locks shall be so constructed as not to injure the works of said dams.

A further part of Tuscarora creek declared a public highway.

Passed 4th April, 1805.—Recorded in Law Book No. X. page 196,

CHAPTER MMDCXI.

An ACT making appropriations for the expenses of government and payment of certain debts and for other purposes.

SECT. I. OBSOLETE.

SECT. II. And whereas this commonwealth by an act passed the twenty-seventh day of March, one thousand seven hundred and eighty-nine, and by an act passed the fourth day of April, one thousand eight hundred and three, as well as by the first section of this act, hath amply provided for the redemption of the certificates commonly called new loans, issued under an act passed the first day of March, one thousand seven hundred and eighty-six, and hath provided by an act passed the fourth day of April, one thousand seven hundred and ninety-six, as well as by sundry preceding acts, funds fully adequate to the redemption of all the funded debt certificates, depreciation certificates, and the six per cent. and three per cent.

1805.

Certain certificates of state debt to be irredeemable after a certain day.

purparts issued under its authority, and ample time has already been allowed to the holders for redemption, it becomes the duty of the legislature to provide by law, for closing the accounts of the commonwealth in respect of such certificates: Therefore, *Be it further enacted by the authority aforesaid*, That all such of the above mentioned and described certificates now outstanding, as shall not be presented to and deposited with the register-general on or before the second Tuesday in January, one thousand eight hundred and seven, shall not afterwards be received by him nor redeemed by the state, but are hereby declared to be for ever irredeemable; any law or laws of this state, now in force, to the contrary in any wise notwithstanding.

Bills of credit declared irredeemable after a certain day.

SECT. III. And whereas sufficient time hath been allowed, and adequate provision heretofore made, for redemption of the bills of credit of this commonwealth, issued under authority of the acts of one thousand seven hundred and eighty-one, and one thousand seven hundred and eighty-five: Therefore, *Be it further enacted by the authority aforesaid*, That such of the said bills of credit as are now outstanding, as shall not be paid into the state treasury under the laws heretofore enacted, on or before the second Tuesday of January next, shall not thenceforth be received by the state treasurer, but shall for ever be irredeemable; any law or laws now in force to the contrary notwithstanding.

SECT. 4. [Treasury warrants to be drawn in the usual manner. 5. Register-general to report annually upon what account unfunded certificates are issued. The land-officers, officers of accounts and state-treasurer, to exhibit, annually, a particular account of the expenses of their departments. Comptroller-general directed to pay the taxes due on John Nicholson's lands. Ten thousand dollars appropriated for that purpose.]

Office of agent to prevent intrusions in Luzerne county vacated.

SECT. VII. *And be it further enacted by the authority aforesaid*, That so much of the act passed the sixteenth day of February, one thousand eight hundred and one, entitled "An act supplementary to an act, entitled "An act to prevent intrusions on lands within the counties of Northampton, Northumberland and Luzerne," passed the eleventh day of April, one thousand seven hundred and ninety-five,"* as authorizes the appointment of an agent, be, and the same is hereby repealed.

[? Vol. 3, pa. 457.]

Passed 4th April, 1805.—Recorded in Law Book No. X. page 197.

CHAPTER MMDCXII.

[Original act, vol. 3, pa. 392.]

A further SUPPLEMENT to the Act, entitled, "An act for offering compensation to the Pennsylvania claimants of certain lands within the seventeen townships in the county of Luzerne, and for other purposes therein mentioned."

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That*

1805.

from and after the passing of this act, such Connecticut settlers of the fifteen townships in the county of Luzerne, claiming lands under the act of the fourth of April, one thousand seven hundred and ninety-nine, entitled "An act for offering compensation to the Pennsylvania claimants of certain lands in the seventeen townships in the county of Luzerne, and for other purposes therein mentioned," as are, or may be entitled to receive patents for the same, who may desire such lands to remain as a security for the payment of the purchase-money to the commonwealth, without incurring the expense of mortgaging, he, she, or they requesting this to be done, by a writing, under their hands and seals, transmitted to the secretary of the land-office, the said secretary thereupon shall issue to the said Connecticut settlers, patent or patents for his, her or their respective lands, and on the same patent or patents certify the amount of the purchase-money for the land therein described, and the periods in which the same shall become due, which sum or sums so certified shall be and remain a lien on said land in the nature of a mortgage, until the money shall have been paid; any law to the contrary in any wise notwithstanding.

Proviso in favour of certain Connecticut settlers.

Secretary of the land-office authorized to issue patents to such settlers, certifying on said patents, the amount of the purchase-money due, &c. which shall be a lien on said lands.

SECT. II. *And be it further enacted by the authority aforesaid,* That the certificate in the aforesaid patent or patents of the purchase-money, for the land in such patent or patents mentioned, as also the description of boundaries, shall be entered on record by the recorder of the proper county, in a book by him for that purpose to be procured, at the usual fees for the like number of words, which when done shall be constructive notice to all who may be concerned: *Provided nevertheless,* That should not the record so as aforesaid directed, be made within six months from the date of such patent or patents, the same patent or patents shall be void and of no validity or effect whatever.

Such certificates to be entered on record by the recorder of the proper county.

Proviso in case the record aforesaid be not made within six months of the date of the patent.

SECT. III. *And be it further enacted by the authority aforesaid,* That such record as aforesaid, in the proper county, shall be as good evidence of the purchase-money due to the commonwealth, and upon which to bring a suit for the recovery of the same, as if it had been secured by mortgage in proper form and recorded at large.

Such record to be considered as tantamount to a mortgage.

SECT. IV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the recorder of deeds in and for Luzerne county, to receive certain books and documents commonly called the "Westmoreland records," and keep the same in his office; and on application and payment of the usual fees, shall make out and deliver copies therefrom, under seal of office, and when and so often as he thereto shall be requested, which copies so made out and delivered shall be as good evidence in law as the original might or could be.

Certain duties enjoined on the recorder of Luzerne county.

Passed 4th April, 1805.—Recorded in Law Book No. X. page 199.

ACTS

OF THE

General Assembly of Pennsylvania.

Passed at a session which was begun and held at Lancaster on Tuesday, December 3d, 1805, and from thence continued until March 31st, 1806, (inclusive.)

1806.

THOMAS M'KEAN, GOVERNOR.
JAMES BRADY, SPEAKER OF THE SENATE.
CHARLES PORTER, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

CHAPTER MMDCXVII.

An ACT vesting a title in Sebastian Royer and Michael Myer, and their successors, for ten acres of land in Centre township, North-umberland county, for the use of a congregation composed of Lutherans and Presbyterians.

Passed 9th January, 1806.—Private act.—Recorded in Law Book. No. X. page 207.

CHAPTER MMDCXVIII.

[Ante, page 207.] *An ACT granting a sum of money to the trustees of Bellefont academy, in Centre county. (k)*

Passed 9th January, 1806.—Local act.—Recorded in Law Book No. X. page 208.

(k) By this act two thousand dollars were granted to the trustees, to be applied in erecting a building. Poor children, not exceeding six in number at one time, to be admitted and taught gratis; but no such child to continue to be so taught longer than two years. (Note to former edition.)

CHAPTER MMDCXIX.

[See chap. 208, vol. I, pa. 94, and the notes there to.] *A SUPPLEMENT to the several acts of Assembly of this Commonwealth, relating to the acknowledgment or proof of deeds and other writings.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That*

each of the aldermen of the city of Philadelphia, shall have full power to take and receive the acknowledgment or proof of all deeds, conveyances, mortgages and other instruments of writing, touching or concerning any lands, tenements, or hereditaments, situate, lying, and being within the city and county of Philadelphia; and also power to take and receive the separate examination of any *feme covert*, touching or concerning her right of dower, or the conveyance of her estate, or right in, or to any such lands, tenements, or hereditaments agreeably to the act of assembly, entitled "An act for the better confirmation of the estates of persons holding or claiming under *feme coverts*; and for establishing a mode by which husband and wife may hereafter convey their estates,"* passed on the twenty-fourth day of February, Anno Domini, one thousand seven hundred and seventy.

1806.
Aldermen of the city of Philadelphia empowered to take the acknowledgment of deeds, &c.

* Vol. I, p. 307.]

Passed 20th January, 1806.—Recorded in Law Book No. X. page 208.

CHAPTER MMDCXXI.

An ACT altering the place of meeting of the Return-judges of the district composed of Fayette and Greene counties.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That whenever an election for a member of congress or a senator in the state legislature, shall take place in the district composed of the counties of Fayette and Greene, the return-judges of said district shall meet at the house now occupied by Henry Jennings, in German township, Fayette county, and there perform the duties enjoined on them by law, and so much of any law as directs the judges aforesaid to meet at the house of Thomas Clare, in Fayette county, shall be and the same is hereby repealed. (1)*

Where the return judges for the district composed of the counties of Fayette and Greene, are to meet, &c.

Passed 20th January, 1806.—Recorded in Law Book No. X. page 210

(1) So far as regards the Senator, separately choosing one Senator by this act is now obsolete; Fayette county act of 21st March, 1808.

CHAPTER MMDCXXII.

An ACT to alter the limits of the borough of Beaver.

WHEREAS sundry inhabitants situated within the present bounds of the borough of Beaver, have represented to the legislature, that for the property they possess and have improved on the out lots, within the limits of the said borough, they are subjected to taxes and sundry expenses for the improvement and advantage of the town, and that they receive no equivalent benefits from the corporation: for remedy whereof,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That*

(See vol. 3, p. 56. 493. and ante. p. 108.)

1806.

The out lots to the borough, annexed to Beaver township, and to be exempted from all taxes assessed therein for the use of said borough.

from and after the passing of this act, all the out lots which have been included within the limits of the borough of Beaver, shall be exempt from all assessments and charges on account of the said incorporation, and shall be considered as annexed to Beaver township, and separate from the said borough, and lying without the limits of the same, any former law or laws to the contrary notwithstanding.

CHAPTER MMDCXXIII.

An ACT directing the sale of unappropriated Islands in such parts of the rivers Delaware, Ohio and Allegheny, and their branches, as are by law declared public highways.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the officers of the land-office, upon application to them made for a warrant of survey for any unappropriated island in the rivers Delaware, Ohio and Allegheny, or any of their branches, which are by law declared public highways, shall and they are hereby directed to issue such warrant under the conditions and limitations hereinafter prescribed.*

The officers of the land office authorized to issue warrants for unappropriated islands in the river Delaware, &c. &c.

Proceedings to be had, before such warrants shall issue.

SECT. II. *And be it further enacted by the authority aforesaid, That the officers of the land-office, (on application made for an island as aforesaid,) shall appoint three disinterested reputable persons to estimate and value the land in such island, who shall before they enter on the duties of their appointment, take an oath or affirmation before a Justice of the Peace of the proper county, or some other person legally qualified to administer the same, that they will justly estimate, and a true valuation make of all the land per acre contained in such island; and also that they are not interested in the purchase of any island in the rivers aforesaid, which persons thus appointed and sworn or affirmed, shall proceed to value the land in such island or islands by going on the same, and having regard to the soil, wood fisheries, other advantages and local situation thereof, and the said persons or any two of them, having agreed on the real valuation per acre of all the land contained in such island or islands, having regard as aforesaid, shall certify the same under their hands, directed to the secretary of the land-office, who shall thereupon issue a warrant to such applicant, he having first paid to this commonwealth, at least one third part of the amount of the real valuation of such island taken as aforesaid.*

Actual settlers on islands to have the preemption right, for a limited period.

SECT. III. *And be it further enacted by the authority aforesaid, That if any island or islands in the rivers aforesaid, shall have any actual settlement or improvement thereon, then, and in that case the preemption right to such island or islands, shall be vested in such original actual settler, or improver, or their legal representatives, for the term of three years from and after the passing of this act, after the expiration of which term it shall be lawful for this commonwealth, to grant such settled or improved island or islands, to the first per-*

son who shall apply for the same, subject to the regulations and provisions contained in this act. 1806.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the balance of purchase money shall be a lien on the lands applied for, until paid with legal interest, and when the last payment or whole amount of the real valuation of any island or islands, obtained as aforesaid, shall be paid into the receiver general's office of this commonwealth, which shall be within four years after the date of the warrant, a patent shall then issue to such applicant; he paying the usual fees of office.

The whole valuation or purchase money to be paid within four years, and to be a lien on the lands till paid.

SECT. V. *And be it further enacted by the authority aforesaid,* That all disputes arising between adverse claimants under this act, for any of the aforesaid islands, shall be decided by entry of caveats and proceedings thereon, by the board of property, as in other cases of land disputes, and the decision made shall have the like force and effect.

How disputes between adverse claimants are to be settled.

Passed 27th January, 1806.—Recorded in Law Book No. X. page 210.

CHAPTER MMDCXXVIII.

An ACT for the relief of Catharine Toey. (m)

Passed 3d February, 1806.—Private Act.—Recorded in Law Book No. X. page 217.

(m) By this act an annuity of forty dollars is granted to Catharine Toey, widow of Simon Toey, who died in captivity during the late revolutionary war.—(Note to former edition.)

CHAPTER MMDCXXIX.

A further SUPPLEMENT to the Act, entitled, "An Act to erect parts of Lycoming, Huntingdon and Somerset counties, into separate county districts." [Original act, ante, pag. 170.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the power and authority of the commissioners and other county officers of the county of Lycoming, shall extend over, and be as full and effectual to all intents and purposes, over and within the county districts of Potter and Tioga, as at this time they are or hereafter may be, in and over the said county of Lycoming; and the authority of the commissioners and other county officers of the county of Westmoreland, shall extend over and be as full and effectual to all intents and purposes, over and within the county district of Jefferson, as at this time, it is or hereafter may be over the said county of Westmoreland, and the authority of the commissioners and other county officers of the county of Somerset, shall extend over and be as full and effectual to all intents and purposes, over and within the county district of Cambria, as at this time it is or hereafter may be in the said

The powers of the commissioners, &c. of Lycoming county, extended to the county districts of Potter and Tioga; and of the commissioners, &c. of Westmoreland, to the county district of Jefferson, and of the commissioners, &c. of Somerset, to the county district of Cambria, &c.

1806.

county of Somerset, and the inhabitants of the said county districts of Potter, Tioga, Cambria and Jefferson, so long as they shall remain annexed to Lycoming, Somerset and Westmoreland counties, shall in common with the inhabitants of the county, to which they are respectively annexed, exercise and enjoy similar and equal rights and privileges; and shall be subject to similar regulations in as full and ample manner as if they now were component parts of the counties, to which by law they are respectively annexed.

The commissioners, &c., of Lycoming, Somerset and Westmoreland, to keep distinct accounts of the monies collected from each of the aforesaid county districts, &c.

SECT. II. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners and treasurers of Lycoming, Somerset and Westmoreland counties, respectively, to keep separate and distinct accounts of the monies raised and collected by them from each of the county districts aforesaid, and they shall out of the sums collected from each county district aforesaid, pay and discharge all and singular the costs and expenses of levying assessing and collecting the same costs, chargeable to the counties respectively, arising from the prosecutions instituted against persons within the same county district; and all rewards for killing wolves and other animals of prey therein, and also all costs and expenses of laying out and improving roads, as well as all other costs and expenses incidental to the same county district, and on having ascertained the balance which may be due from either county to the other, the commissioners of the debtor county shall draw an order on their treasurer, directing him to pay the treasurer of the creditor county the balance which shall be so found due.

Made the duty of the recorder of deeds of Lycoming county, to provide a separate book for recording the deeds of lands within the county districts of Tioga and Potter, of Westmoreland, for the county district of Jefferson; and of Somerset, for the county district of Cambria, &c.

SECT. III. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the recorder of deeds for the county of Lycoming, to provide a separate book for each of the county districts of Tioga and Potter, for the purpose of recording therein the deeds of lands lying in the said county districts respectively, and such other instruments of writing as by law ought to be recorded, and it shall be the duty of the recorder of deeds for the county of Westmoreland, in like manner to provide a book for the purpose of recording therein the deeds of lands lying within the county district of Jefferson, and such other instruments of writing as by law ought to be recorded, and it shall be the duty of the recorder of deeds for the county of Somerset, to provide a book for the purpose of recording therein the deeds of lands, lying within the county district of Cambria, and such other instruments of writing as by law ought to be recorded; and the said recorders shall enter and record in the said books respectively, every such deed or instrument of writing as shall come to their hands to be recorded, and shall deliver over said books to the recorders of Potter, Tioga, Jefferson and Cambria counties, when such recorders shall or may be appointed and apply for the same,

(Cambria has been since organized, & Tioga elects commissioners separately from Lycoming.)

Passed 3d February, 1806.—Recorded in Law Book No. X. page 217.

CHAPTER MMDCXXXIV.

An ACT to alter the Judiciary System of this commonwealth.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly*

met, and it is hereby enacted by the authority of the same, wherefrom and after the first day of May next, no issues in fact in the Supreme Court, shall be tried in bank; but all issues of fact in causes then pending in the said Supreme Court, shall be tried at courts of *Nisi Prius*, to be held in the city of Philadelphia, in manner heretofore used at such time or times as the Judges of the Supreme Court, at any term thereof shall direct: *Provided always*, That it shall be lawful for one of the said Judges of said court, to hold sittings for the trials of issues of fact, in term time, without regard to the sittings of the Judges then in bank, with like powers and authority as a Judge at *Nisi Prius*.

SECT. II. *And be it further enacted by the authority aforesaid*, That for the more convenient establishment of the Supreme Court, the state shall be, and is hereby divided into two districts as follow: *that is to say*, One to consist of the counties of Bedford, Somerset, Westmoreland, Fayette, Greene, Washington, Allegheny, Beaver, Butler, Mercer, Crawford, Erie, Warren, Venango, Armstrong, Cambria, Indiana, Jefferson, Clearfield and McKean; and to be called the Western district; and the other to consist of the remaining part of the state, and to be called the Eastern district.

SECT. III. *And be it further enacted by the authority aforesaid*, That there shall be a prothonotary appointed and commissioned for each of the said courts, and each of whom shall take the same oath or affirmation, and give the like bonds as are by law required to be taken and given by the prothonotary of the Supreme Court, and shall perform the same duties in their respective districts, and be entitled to demand and receive the same fees as have heretofore been allowed by law for the like services to the prothonotary of the Supreme Court.

SECT. IV. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Justices of the Supreme Court, to attend and hold one term annually, in, and for the Western district at Pittsburgh, on the first Monday of September; and the said term shall continue two weeks if necessary to do the business thereof, and they shall hold adjourned courts whenever the business therein depending may render it necessary; and it shall be the duty of the Justices of the Supreme Court to attend and hold two terms annually, in, and for the Eastern district at Philadelphia, on the second Monday in December, and on the third Monday in March, and the said December term, shall continue three weeks, and the said March term, shall continue two weeks, if necessary to do the business thereof, and they shall hold adjourned courts whenever the business therein depending may render it necessary.

SECT. V. *And be it further enacted by the authority aforesaid*, That the Supreme Courts hereby directed to be holden, shall severally and respectively, have, and exercise within their respective districts, the same powers, authority and jurisdiction, in all cases and respects whatsoever, which are vested by the constitution and laws in the Supreme Court of this state.

SECT. VI. *And be it further enacted by the authority aforesaid*, That the prothonotary of the Supreme Court, after the next March term, shall, and is hereby impowered and directed to purchase a

1806.

and the powers thereof vested in the Supreme Court, and tried in bank after 1st of May, 1806; but such as may be then depending to be tried at Courts of *Nisi Prius*, &c.

Proviso for holding sittings for the trials of issues of fact, in term time. In respect to the Supreme Court, the state is divided into two districts, to be called the Western and Eastern district.

A prothonotary to be appointed for each district, &c.

Of the state terms to be held annually, within the respective districts and of holding adjourned Courts.

The Supreme Courts hereby directed to be holden, invested with similar powers and jurisdiction, within their respective districts, to those heretofore possessed, under the con-

1806.

stitution and laws, by the Supreme Court. A docket to be prepared, for transferring the business appertaining to the Western district, from the Supreme Court, to said district.

blank book, for the Western district; and to employ a clerk under his direction to make out a docket in the same, for the said Western district, containing a statement of all actions then pending, and undetermined in the said Supreme Court, appertaining to the Western district; and shall have the said docket together with the records, declarations and other papers, respecting all such actions then pending and undetermined, as aforesaid, ready to be delivered to the prothonotary of the Supreme Court, for the Western district, by the first Monday of July next, and shall deliver the same to him accordingly, the price paid for the said docket, and the wages of the clerk employed as aforesaid, to be repaid to the prothonotary of the Supreme Court, out of the state treasury, on a warrant drawn by the Governor.

What actions to be considered as pending within the Western district.

SECT. VII. *And be it further enacted by the authority aforesaid,* That from and after the expiration of March term next, of the Supreme Court, all actions pending and undetermined in the same court, appertaining to the said Western district, shall be considered as pending in the Supreme Court, for said Western district; and the Judges of the said Supreme Court in all respects, and in like manner shall proceed to determine the same as though the said actions had originated in the Supreme Court, for said Western district.

How far the prothonotaries appointed under this act, shall be accountable to the former prothonotary, for fees, &c.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the prothonotaries of the western and eastern districts of the Supreme Court to be appointed as by this act provided, shall be accountable to the present prothonotary of the Supreme Court, and to all others, who may have an interest therein, for all fees, which shall have accrued upon several actions in their respective courts, pending prior to this act taking effect; and the same pay over respectively as shall come to their hands.

Circuit Courts in future, to be held by a single judge, &c.

Judges to be furnished, by the clerks, biennially, &c. with a list of the causes at issue within their respective districts.

[SECT. IX. *And be it further enacted by the authority aforesaid,* That from and after the expiration of March term next, of the Supreme Court, no Circuit Court of the said Supreme Court shall be held, otherwise than by a single judge; and it shall be the duty of the judges of the said Supreme Court, to hold a Circuit Court in each county, in this commonwealth, (the county of Philadelphia excepted,) at least once in every year, at such times as the judges shall appoint; providing, that in such county there shall be causes at issue, and undetermined in the Circuit Court; and that it shall be the duty of the clerks of the Circuit Courts, to transmit to the judges of the Supreme Court, in the months of February and August, in every year, a list of the causes pending and at issue, in their respective Circuit Courts.

The judges to alternate in holding the Circuit Courts within the several counties.

SECT. X. *And be it further enacted by the authority aforesaid,* That the judges in holding the Circuit Court, shall so alternate, that the same judge shall not sit oftener than once in the same county, in every fourth successive term of the said court, to be holden in the said county, unless it shall be rendered impracticable by accident.]

The High Court of Errors and Appeals to be abolished

SECT. XI. *And be it further enacted by the authority aforesaid,* That the judges of the High Court of Errors and Appeals, shall sustain no new cause, but shall have power to hold two terms, at

which all the causes now before them shall be determined, whereupon the said court shall be abolished, and all the powers and duties thereof, shall be vested in, and be exercised by the Supreme Court of this commonwealth, and the records thereof shall be deposited in the office of the prothonotary of the Supreme Court, for the eastern district, who is hereby authorized, and directed to receive the same, and to give copies thereof, under the seal of his office, when required, on payment of the usual fees; which copies shall be authentic evidence, and as effectual in law, as if the said court had not been abolished, and such copies had been certified by the proper officers thereof.

SECT. XII. *And be it further enacted by the authority aforesaid,* That for the better and more effective organization of the Courts of Common Pleas, and Quarter Sessions, the state shall so far as respects said courts, be, and hereby is divided into the following districts or circuits, viz. the city and county of Philadelphia, shall be the first district; the counties of Lancaster, York and Dauphin, shall be the second district; the counties of Berks, Northampton and Wayne, shall be the third district; the counties of Mifflin, Centre, Huntingdon and Bedford, shall be the fourth district; the counties of Beaver, Allegheny, Washington, Fayette and Greene, shall be the fifth district; the counties of Mercer, Butler, Venango, Crawford and Erie, shall be the sixth district; the counties of Delaware, Chester, Bucks, and Montgomery, shall be the seventh district; the counties of Northumberland, Luzerne and Lycoming, shall be the eighth district; the counties of Adams, Cumberland and Franklin, shall be the ninth district; and the counties of Somerset, Cambria, Indiana, Armstrong and Westmoreland, shall be the tenth district.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the Governor shall appoint in each of the new districts, created by this act, viz. in the seventh, eighth, ninth and tenth districts, respectively, a president who shall receive the annual salary of one thousand six hundred dollars, in quarter yearly payments.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That in the city and county of Philadelphia, and in each of the other counties, the president, and associate judges, or any two of them, the president being one, shall hold the Court of Oyer and Terminer; and that the said judges or any two of them, shall hold the Court of Quarter Sessions; and that the said judges or any two of them, or the president alone, shall, and may hold the Court of Common Pleas.

SECT. XV. *And be it further enacted by the authority aforesaid,* That if a vacancy should hereafter happen, in any county at present organized, by the death, resignation, or removal of any associate judge, or otherwise; the governor shall not supply the same, unless the number of associates shall be thereby reduced to less than two, in which case, or in case of any county hereafter organized; he shall commission so many as will complete that number in each county, and no more.

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and the powers thereof vested in the Supreme Court, and the records thereof to be deposited with the prothonotary for the eastern district, certified copies of which, under his seal of office, to be good evidence.

The state divided into districts, in respect to the Courts of Common Pleas and Quarter Sessions.
First district.
Second dist.
Third dist.
Fourth dist.
Fifth dist.

Sixth dist.
Seventh dist.
Eighth dist.
Ninth dist.
Tenth dist.

A president to be appointed in each new district; his salary.

Judges necessary to hold the Courts of Oyer and Terminer, Quarter Sessions and Common Pleas.

After vacancies shall happen, the number of associate judges in any county, not to exceed two.

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To be four terms annually in each county, and for what period they are to continue.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That the Courts of Quarter Sessions, and Common Pleas in each county, shall be holden four times a year, and that the Courts of Quarter Sessions, and Common Pleas in any one county, shall commence on the same day, and that the Court of Quarter Sessions shall continue four days only, except in the first district; and that the Court of Common Pleas in the counties of Cumberland, Dauphin, Franklin, Mifflin, Centre, Wayne, Huntingdon, Bedford, Somerset, Cambria, Indiana, Armstrong, Westmoreland, Fayette, Beaver, Butler, Allegheny, Washington, Greene, Mercer, Venango, Crawford and Erie, shall continue one week; and in the counties of Delaware, Chester, Bucks, Montgomery, Northampton, Northumberland, Luzerne, Lycoming, Berks, Lancaster, York and Adams, shall continue for two weeks; and that all issues joined, and for trial by jury, in the said Courts of Common Pleas, in these counties respectively, shall be tried on the second week.

Of selecting, summoning and returning jurors.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That a pannel of jurors, shall be selected, summoned, and returned, according to the act passed the twenty-ninth day of March, one thousand eight hundred and five, and the direction of this act, in each county, wherein the term of the Court of Common Pleas is to continue for two weeks to the first day of every Court of Quarter Sessions, which by this act, is directed to be holden; and one other pannel of jurors, shall be selected, summoned, and returned, according to the aforesaid act, and the direction of this act, to the first day of the second week, of the term directed by this act, for the holding of the Courts of Common Pleas, in the said counties, and that in the other counties, and for the Circuit Courts throughout the state, the jurors shall be selected, summoned and returned, in all respects, for each and every court, as is directed by the act aforesaid.

Mode of selecting and summoning jurors,

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the sheriff, and county commissioners in each county, wherein the term of the Court of Common Pleas is to continue for two weeks, or any two of them, with the sheriff, agreeably to the act of the twenty-ninth of March, one thousand eight hundred and five, to select from the list of taxable citizens, the names of an additional and sufficient number of sober judicious persons, to serve as jurors, at the several courts mentioned in this act, to be holden in the said counties in each year; and that the forty-eight jurors first drawn according to the provisions of the said act, shall be summoned for the petit jurors, for the next Court of Quarter Sessions; and that the thirty-six jurors next drawn according to the provisions of the same act, shall be summoned for the jurors at the next Court of Common Pleas; and whenever the court in any of the said counties, at any term, shall order in the manner hereafter directed, that the next Court of Common Pleas, shall continue but for one week; in that case the jurors shall be selected, summoned, and returned, as at present under the aforesaid act.

Supreme Court not to have original jurisdiction in civil cases,

[SECT. XIX. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the Supreme Court shall have no original jurisdiction in civil cases, and that no civil action

before judgment, shall be removed from any Court of Common Pleas to the Supreme, or Circuit Courts, unless the plaintiff's demand, or the value of the controversy between the parties, shall exceed the sum of one thousand dollars, if the action is removed from the Court of Common Pleas in the first district, or the sum of five hundred dollars, if the action is removed from any of the Courts of Common Pleas, in the other districts.] 1806.

and of removals from the Pleas to the Supreme Court.

[Repealed.]

SECT. XX. *And be it further enacted by the authority aforesaid,* That no action shall be removed from any of the Courts of Common Pleas, to the Supreme or Circuit Courts, by consent or otherwise, unless the same is removed, on or before the first day of the next term, after the said action shall have been commenced; and unless the party or his attorney in the precipe, for the removal of the same, will certify that he verily believes, that the action so to be removed, is within the true spirit and meaning of the preceding section of this act, and further, that the Court wherein the said action shall be tried, shall have power to make the party that removed the same, pay the costs of suit; if in the opinion of the court, the action shall have been removed without a reasonable foundation of its having been within the true spirit and meaning of the aforesaid section of this act. Conditions on which removals are to take place

SECT. XXI. *And be it further enacted by the authority aforesaid,* That the judges of the Courts of Common Pleas in each county, or a majority of them, wherein the term of the Court of Common Pleas is to continue for two weeks, shall have power at every term, to make an order to be entered on record, directing that the Court of Common Pleas at the next term, shall continue only during the first week thereof, and in that case, all business in the Courts of Quarter Sessions and Common Pleas, shall be acted upon in the first week as has hitherto been usual; but in case no such order shall be made, the next term shall continue as directed by this act. The judges of the Pleas, in certain counties, empowered to shorten the terms.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That the judges of the Courts of Common Pleas, in the several counties, shall have power to adjourn the said courts respectively, from time to time, as they shall think proper, and at such adjourned courts may act and decide upon all business within their jurisdiction, respectively; and it shall be the particular duty of the judges of the Supreme Court, and judges of the Courts of Common Pleas, to see that all actions in their respective courts, shall be reached and have a fair opportunity of a trial, at least, within one year after they shall have been commenced; and if the judges of the Supreme Court, or the presidents or associate judges of the Court of Common Pleas, or any of them shall refuse or neglect to perform the duties enjoined on them by this act, it shall be deemed misbehaviour in office, and lay a sufficient ground for the removal of the judge, or judges, so offending. Of holding adjourned courts, &c.

What shall be deemed misbehaviour in office in the judges.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That the register of wills together with the judges of the Court of Common Pleas, in each county, or any two of them, shall compose and hold the register's court; and that the judges of the Court of Common Pleas in the first district, or any two of them, the president being one, shall compose and hold the Orphans' Court in this The register's court, how constituted.

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The orphans' court, how constituted, and when to be holden.

district, at such times as they may think proper ; and that the judges of the Courts of Common Pleas in each county, wherein the term of the Court of Common Pleas is to continue for two weeks, or any two of them, the president being one, shall compose and hold the Orphans' Court, in said counties in the first week of each term of the Court of Common Pleas, and at such other times as they may think proper ; and that the judges of the Courts of Common Pleas, in each of the other counties, or any two of them, the president being one, shall compose and hold the Orphans' Court at such times as they may think proper : *Provided nevertheless*, That any two of the judges in each county, may hold the Orphans' Court in said county, for the appointment of guardians, and for the transacting, hearing and deciding upon any business in the Orphans' Court ; but in case any person or persons interested in the business then before the court, shall request the same to be continued until the president can attend, in that case the business shall be continued accordingly.

Towers of the courts established by this act, &c.

SECT. XXIV. *And be it further enacted by the authority aforesaid*, That the several courts established by this act, shall have all the jurisdiction and privileges in the respective counties that the like courts in this commonwealth now possess, exercise and enjoy ; and that all proceedings of every kind, that shall remain in the several courts in the state, at the time of the passing of this act, shall be considered as transferred, and existing in the like courts established by this act respectively, in the same state and condition that they were at the time of the passing of the same ; and that the Supreme and Circuit Courts shall have all the powers and jurisdictions which they now possess over such business, and proceedings of every kind that may be removed from any of the inferior courts, by any of the modes now in force, that is not inconsistent with the provisions of this act.

Opinions of the court with the reason thereof, when required by either of the parties, to be reduced to writing.

SECT. XXV. *And be it further enacted by the authority aforesaid*, That in all cases, *in which the judge or judges holding the Supreme Court, Court of *Nisi Prius*, Circuit Court, or presidents of the courts of Common Pleas, shall deliver the opinion of the court, if either party by himself or counsel require it ; it shall be the duty of the said judges respectively, to reduce the opinion so given with their reasons therefor to writing, and file the same of record in the cause.

Courts when to be held in the several districts.

SECT. XXVI. *And be it further enacted by the authority aforesaid*, That the Courts of Quarter Sessions for the first district, shall commence and be holden at, and for the time directed by the laws now in force ; and that the judges of the said court, shall have the like power to adjourn from time to time that they now have ; and that the courts of Common Pleas for the said districts, shall also commence and be holden at, and for the times directed by the laws now in force ; and that the several courts of Quarter Sessions and Common Pleas in the other districts, shall commence on the following days, in each, and every year : *viz.* In the county of Delaware,

on the third Mondays in January, April, July and October ; in the county of Chester, on the second Mondays, after the commencement of the courts in Delaware ; in the county of Montgomery on the second Mondays, after the commencement of the courts in Chester ; in the county of Bucks, on the second Mondays, after the commencement of the courts in Montgomery ; in the county of Berks, on the first Mondays in January, April, August and November ; in the county of Northampton, on the second Mondays, after the commencement of the courts in Berks ; in the county of Wayne, on the second Monday, after the commencement of the courts in Northampton ; in the county of Luzerne, on the first Mondays in January, April, August and November ; in the county of Northumberland, on the second Mondays, after the commencement of the courts in Luzerne ; in the county of Lycoming, on the second Mondays, after the commencement of the courts in Northumberland ; in the county of York, on the first Mondays in January, April, August, and November ; in the county of Lancaster, on the second Mondays, after the commencement of the courts in York ; in the county of Dauphin, on the second Mondays, after the commencement of the courts in Lancaster ; in the county of Cumberland, on the first Mondays of January, April, August and November ; in the county of Franklin, on the second Mondays of the same months ; in the county of Adams, on the third Mondays of the same months ; in the county of Bedford, on the first Mondays in January, April, August and November ; in the county of Huntingdon, on the second Mondays of the same months ; in the county of Mifflin, on the third Mondays of the same months ; in the county of Centre, on the fourth Mondays of the same months ; in the county of Somerset, on the last Mondays in February, May, August and November ; in the county of Cambria, as soon as said county shall be by law organized for holding courts therein, on the first Mondays in March, June, September and December ; in the county of Indiana, on the second Mondays of the same months ; in the county of Armstrong, on the third Mondays in the same months ; in the county of Westmoreland, on the fourth Mondays in the same months ; in the county of Beaver, on the first Monday in January, last Monday in March, first Monday in August and November ; in Allegheny, on the Mondays succeeding the commencement of the courts in Beaver ; in Fayette, on the Mondays succeeding the commencement of the courts in Allegheny ; in Greene, on the Mondays succeeding the commencement of the courts in Fayette ; in Washington, on the Mondays succeeding the courts in Greene ; in the county of Butler, on the first Mondays in March, June, September and December ; in the county of Mercer, on the second Mondays in the same months ; in the county of Venango, on the third Mondays in the same months ; in the county of Crawford, on the fourth Mondays in the same months ; in the county of Erie, on the Monday succeeding the commencement of the courts in Crawford.

[SECT. XXVII. *And be it further enacted by the authority aforesaid,* That the prothonotaries or clerks of the Supreme Court, and the prothonotaries or clerks of the several courts of Quarter Sessions and Common Pleas, within this commonwealth, shall annually fur-

Prothonotaries to furnish, annually, to the comptroller and register

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general, an account of fees.

Yearly amount received above 1500 dollars to be taxed.

(Supplied, post.)

Where prothonotaries may enter judgment, without the agency of an attorney, or declaration filed.

Repealing clause.

nish to the comptroller and register general, an accurate account of the fees received, in each of their offices respectively, in the manner prescribed by the act, entitled, "An act to tax the office of the prothonotary, or clerk of the Supreme Court," passed the fifth day of December, 1801. And of the amount of fees received during the space of each year, by each of the prothonotaries respectively, as aforesaid, fifteen hundred dollars shall be, and remain clear of tax, and the residue thereof, shall be taxed and accounted for, agreeably to the provisions of the act aforesaid.]

SECT. XXVIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the prothonotary of any court of record, within this commonwealth, on the application of any person being the original holder (or assignee of such holder) of a note, bond, or other instrument of writing, in which judgment is confessed, or containing a warrant for an attorney at law, or other person to confess judgment, to enter judgment against the person or persons, who executed the same for the amount, which, from the face of the instrument, may appear to be due, without the agency of an attorney, or declaration filed, with such stay of execution as may be therein mentioned, for the fee of one dollar, to be paid by the defendant; particularly entering on his docket the date and tenor of the instrument of writing, on which the judgment may be founded, which shall have the same force and effect, as if a declaration had been filed, and judgment confessed by an attorney, or judgment obtained in open court, and in term time; and the defendant shall not be compelled to pay any costs, or fee to the plaintiff's attorney, when judgment is entered on any instrument of writing as aforesaid.

SECT. XXIX. *And be it further enacted by the authority aforesaid,* That all acts of assembly now in force, so far as they are inconsistent with this act, and no further, are hereby repealed. (m)

Passed 24th February, 1806.—Recorded in Law Book No. X. page 223.

(m.) For a general reference to the laws relative to the judiciary system, see the notes to chap. 255, vol. 1, page 131.

By a supplement to this act, passed 1st March, 1806, (chap. 2644) the next ensuing terms in the Supreme Court, Sessions and Common Pleas, were directed to be held, as if the act in the text had not passed: but all new process was declared to be returnable to the first court under the act in the text; and all proceedings had in the several courts since the passing thereof, were confirmed, excepting in case of conviction in criminal cases.

By an act passed 21st March, 1806, (chap. 2680,) five hundred dollars additional to the allowance in the 27th section of the act in the text, was allowed, clear of tax, to the prothonotary of the Supreme Court of the Eastern District, and of the Common Pleas of the county of Philadelphia.

See also, the act to regulate arbitrations and proceedings in Courts of Justice, passed 21st March, 1806, (chap. 2686,) a supplement thereto, passed 13th April, 1807, (chap. 2872,) and a further supplement, passed 28th March, 1808, (chap. 2987,) all which are declared to be perpetual by the 28th section of the act passed 20th of March, 1810, entitled, "An act regulating arbitrations"—to which the reader is also referred, as part of the judiciary system.

See also an act passed 12th January, 1807, (chap. 2736,) which alters the time of holding the courts in the county of Washington—(the other parts of the act being obsolete.)

See "An act erecting a Middle District of the Supreme Court," passed 10th April, 1807, (chap. 2846,) and a further supplement to the act in the text, passed 11th March, 1809, abolishing the Circuit Courts, and establishing

the Lancaster, and Southern Districts of the Supreme Court.

The time of holding the courts in the sixth district, is altered by act of 4th of April, 1809.

By another supplement to the act in the text, passed 20th March, 1810, the Supreme Court is vested with original jurisdiction within the city and county of Philadelphia, in controversies of the value of five hundred dollars and upwards; and the holding the courts of *Nisi Prius* is regulated in the city and county, and removals from the Common Pleas, therein, to a certain amount provided for—and the 19th section of the act in the text is repealed.

The judges of the Supreme Courts authorized to establish special return days, by act of 20th March, 1810.

A new court, styled “The District Court for the city and county of Philadelphia,” established, by act of 30th March, 1811.

The term in *Dauphin* county to continue two weeks, by act of 28th March, 1808, (chap. 2973.)

The time of holding the courts in *Westmoreland* county, changed by act of 30th January, 1810.

— In *Delaware* county, by act of 10th March, 1810. (See act of 13th February, 1811.)

The courts of Quarter Sessions in *Lancaster* and *Dauphin* counties authorized to continue during the whole of the first week of each term, by act of 10th March, 1810.

And in *Cumberland*, during the whole term, by act of 5th January, 1811.

CHAPTER MMDCXXXV.

An ACT authorizing the Governor to incorporate a company, for making an artificial road, from the bank of the river Susquehanna, opposite the borough of Harrisburgh to Pittsburgh.

[Printed at large, 8th vol. 8vo, pa. 18.]

SECT. 1. [COMMISSIONERS appointed to open books and receive subscriptions to the Harrisburgh and Pittsburgh turnpike road: viz. From Harrisburgh through Bedford to Pittsburgh. Form of subscription. Notice to be given when the books will be open to receive subscriptions. What number of shares may be subscribed in each book. In case the books are not filled in six days, the commissioners may adjourn from time to time. Giving public notice of such adjournment. Five dollars on each share, to be paid at the time of subscribing, and appropriation thereof. 2. When, and how the subscribers may obtain Letters of incorporation. Style of the corporation to be, “The President, Managers and Company of the Harrisburgh and Pittsburgh Turnpike Road,” with the usual corporate powers and privileges. 3. How, and when the corporation shall be organized, and officers of the corporation be chosen, and limitation of the number of votes to a subscriber. 4. Stated meetings to be on the first Monday in January, annually, and special meetings at such times and places as shall be fixed by the by-laws. And powers of such meetings prescribed. 5. Certificates of stock to be issued, on payment of ten dollars for each share; Certificates transferable. 6. Of the meetings of the officers, and powers of such meetings. 7. Forfeitures in case payments on shares are not made, when publicly called for. For which suits may be brought. No stockholder entitled to vote unless the monies due on his share are paid off. 8. Authority of the company to enter inclosures, &c. Proviso in case of damages, to be judged of by viewers to be appointed by the court, on application by the party injured. 9. Authority to take materials, &c. for making the road, and mode of assessing damages prescribed. 10. Company to erect bridges, and

1806. width of the road prescribed. Not to rise or fall more than five degrees from an horizontal line, and not to obstruct private roads. 11. How and when the company may obtain license to erect gates. Persons passing or repassing from any part of their farms to another, or attending funerals or places of public worship; and militia men on days of training, shall be exempt from paying tolls. 12. When such license is obtained, toll-gatherers may be appointed, and rates of toll prescribed. Comparative toll of horses, oxen, mules or asses, Certain packers of salt exempt from toll.]

Penalty for attempting to evade the payment of tolls.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That if any person or persons, owning, riding in, or driving any carriage of burthen or pleasure as aforesaid, or owning, riding, leading, or driving any horse or mule as aforesaid, shall with an intent to defraud the said company, or to evade the payment of any of the tolls or duties aforesaid, pass therewith through any private gate or bar, or along or over any private passage way, or along or over any other ground or land near to, or adjoining any turnpike or gate, which shall be erected in pursuance of this act; or if any person or persons shall with the intent aforesaid, take off or cause to be taken off, any horse or other beast or cattle of draught or burthen, from any carriage of burthen or pleasure, or shall practise any other fraudulent means, or device, with the intent to evade or lessen the payment of any such toll-duty, every such person or persons offending in manner aforesaid, shall for every such offence respectively, forfeit and pay to the president, managers and company, fifteen dollars, to be sued for and recovered with costs of suit, before any Justice of the Peace, in like manner, and subject to the same rules and regulations as debts of equal amount may be sued for and recovered.

Provision in case the company do not keep the road in good repair.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good and perfect order and repair, for the space of fifteen days, and information thereof shall be given to any Justice of the Peace of the proper county, such justice shall issue a precept to be directed to any constable, commanding him to summon three judicious freeholders, to meet at a certain time in the said precept to be mentioned, at the place in the said road complained of; of which meeting, notice shall be given to the keepers of the gates or turnpikes, between which the defective place is; and the said justice shall at such time and place, by the oaths and affirmations of the said freeholders, enquire whether the said road or any part thereof, is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made under the hands and seals of himself, and a majority of the said freeholders; and if the said road shall be found by the said inquisition to be out of order and repair according to the true intent and meaning of this act, he shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates, between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, for the intermediate distance between them shall cease to be demanded, paid or collected, until the said defective part or parts of the said road, shall be put into good and perfect

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order and repair as aforesaid ; but if the same shall not be put into good and perfect order and repair, before the next ensuing Court of Quarter Sessions of the proper county ; the said justice shall certify and send a copy of the said inquisition to the justices of the said court, and the said court shall thereupon cause process to issue, and bring in the bodies of the person or persons entrusted by the company, with the care and superintendence of such part of said road as shall be found defective as aforesaid, and shall direct a bill of indictment to be sent to the grand inquest, against the person or persons entrusted as aforesaid, and upon conviction, shall give such judgment according to the nature and aggravation of the neglect, as the said court in their discretion shall judge proper : *Provided*, The fine in no instance shall be less than ten dollars, nor exceeding one hundred dollars ; and the fines so imposed, shall be recovered in the same manner, as fines for misdemeanors are usually recovered in the said counties, and shall be paid to the supervisors of the highways of the place, where the offence was committed, to be applied to repairing such highways, as the township or county is bound to repair, at the public expense thereof.

Appropriation of the penalties.

SECT. 15. [Fair accounts to be kept, and submitted annually to the general meeting of the stockholders. If the capital stock should be found insufficient, new shares may be subscribed. 16. Accounts of tolls to be kept, and a dividend made of the profits half yearly. 17. An abstract of the accounts to be laid before the assembly, triennially. And if the clear profits will not be six per cent. per annum, the tolls may be increased. If more than nine per cent. to be reduced. 18. Index hands and posts to be erected : and mile-stones : And at each gate certain other information to travellers.]

SECT. XIX. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully break, deface, pull up or prostrate any mile-stone, which shall be placed in pursuance of this act on the side of the said road, or shall obliterate the letters or figures inscribed thereon ; and if any person or persons shall wilfully break, pull down, deface, destroy or injure any direction-post, which shall be erected in pursuance of this act, at the intersection of any road as aforesaid, or the board or index-hand affixed thereto, in conformity with the directions of this act, or shall obliterate the letters or figures inscribed or marked thereon ; or if any person or persons shall destroy, deface or obliterate the letters, figures or other characters marked at any turnpike or gate, which shall be erected in pursuance of this act, for all, or any of the purposes therein mentioned, or the whole or any part of any printed list of the rates of tolls, which shall be affixed in pursuance of the directions of this act, at any such gate or turnpike, he or they so offending in the premises, and each of them, shall for every such offence, severally and respectively, forfeit and pay to the said president, managers and company, any sum not exceeding twenty dollars, to be sued for and recovered with costs of suit, as debts of equal amount are or may be by law recoverable.

Penalty for injuring mile-stones :

or direction posts :

or inscriptions on any of the gates.

How recoverable.

SECT. XX. *And be it further enacted by the authority aforesaid*, That all waggoners, carters and drivers of carriages of all kinds, whether of burthen or pleasure, using the said road, shall, except

Regulations for persons travelling on the road :

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when overtaking and passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road in the passing direction, leaving the other side of the said road free and clear for other carriages to pass and repass; and if any waggoner, carter, or driver shall offend against this provision, he shall forfeit and pay any sum not exceeding ten dollars, to any person who shall by reason thereof be obstructed in his passage, and will sue for the same, to be recovered with costs in manner aforesaid.

And penalty
for non-com-
pliance.

Penalty for
extortion in
toll-gather-
ers.

Appropri-
ation,

and how re-
coverable.

Penalty for
vexatious
prosecu-
tions.

No action to
be brought,
unless with-
in six months
after the fact
charged.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That if any toll-gatherer on the said road shall demand and receive from any person or persons using the said road, any greater or other toll than by this act is authorized and allowed, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, one half to the use of the supervisors of the highways of the township where the offence is committed, the other half to the use of the person or persons suing for the same, to be recovered as debts of equal amount are or may be by law recoverable.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That if in the case of any suit or prosecution, which shall be commenced under the directions of this act, for any penalty incurred under the same, whether by or against the said company, their agents or assignees, the said suit or prosecution shall not be sustained by the plaintiff or prosecutor, then, and in such case, the person or persons prosecuted as aforesaid, shall recover by the judgment of the Justice or the court, as the case may be, before whom such suit or prosecution shall be depending, such sum not exceeding the amount of the penalty, for which the suit or prosecution shall be commenced, as shall by such Justice or court, be deemed a reasonable retribution for the vexation of such suit or prosecution.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That no suit or action shall be brought or prosecuted by any person or persons for any penalty incurred under this act, unless such suit or action shall be commenced within six months next after the fact charged, is said to have been committed, and the defendant or defendants in such suit or action, may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by the authority of this act.

SECT. 24. [In what time the company shall commence and finish the work. 25. Provision in case the Legislature should hereafter think proper to take possession of the road; and when the company's right shall be extinguished.] (o)

Passed 24th February, 1806.—Recorded in Law Book No. X. page 231.

(o) By a supplement to this act, passed 31st March, 1807, (chap. 2796,) A number of separate companies were to be incorporated, in the several counties through which the road was to pass, and the route of the road was fixed to pass through Carlisle, Shippensburg, Chambersburg; M'Connel's town, Bedford, Somerset and Greensburg to Pitts-

burg, and when the road should be com-

pleted, the separate charters were to be surrendered, and the companies to be consolidated into one, under the act in the text.
But by an act for the construction of certain great and leading roads, within this commonwealth, passed 2d April, 1811, as soon as one hundred and fifty thousand dollars should be subscribed to the route which shall be determined

on, the Governor is authorized and directed to subscribe three hundred thousand dollars in the stock of the company, and commissioners were appointed to determine the route to which the appropriation should be applied, and if the commissioners should determine on the route directed by the act in the text, then the above mentioned supplement is repealed.

The commissioners have reported in favour of the southern route, by the operation of which the above mentioned supplement is repealed, and the time for commencing the construction of the road, under the act in the text, is extended to three years from the 2d April, 1811.

1806.

CHAPTER MMDCXXXVI.

An ACT to repeal an act, entitled "An Act declaring Chartier's creek, in the counties of Washington and Allegheny a public highway." [Chap. 1641.]

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the act, entitled "An act declaring Chartier's creek, in the counties of Washington and Allegheny, from the mouth thereof, to David Bradford's mills on the main branch thereof, a public highway;" passed the eighth day of April, one thousand seven hundred and ninety-three, be, and the same is hereby repealed and made null and void.*

The original
act repealed.

Passed 24th February, 1806.—Recorded in Law Book No. X. page 243.

CHAPTER MMDCXXXVII.

An ACT establishing an Academy, in the town of Griersburgh, in Beaver county.

SECT. 1. [GRIERSBURGH academy established. 2. The first trustees named; and, with their successors, incorporated, by the name of "The Trustees of Griersburgh Academy," with the usual corporate powers and privileges. 3. Empowered to use one common seal. 4. Where the trustees are to hold their first meeting; any eight members to be a quorum to do business. Of enacting by-laws. Electing trustees to supply vacancies; appointing masters, &c. &c. By-laws shall be invalid, if contrary to the constitution, &c. 5. A record to be kept of all by-laws, &c. Misnomers of the corporation not to defeat gifts thereto, provided the intent sufficiently appears, &c. Disusers and nonusers, not to create a forfeiture. 6. Alienations of the real estate of the corporation, by a less number than a quorum of the trustees, to be good, unless controverted within seven years after sale, &c. 7. Six hundred dollars granted to the corporation, out of the proceeds of the sale of the reserved lands adjoining the town of Beaver.]

Passed 24th February, 1806.—Recorded in Law Book No. X. page 244.

CHAPTER MMDCXXXIX.

1806.

A SUPPLEMENT to the act, entitled "An act for the relief of Dickinson College."

SECT. 1. [SATISFACTION to be entered on the mortgage of ten thousand acres of land heretofore executed by the trustees of Dickinson college, when they shall execute a new mortgage on five thousand acres of the same land. 2. The further sum of four thousand dollars loaned to the trustees of said college, out of the arrears of state taxes due from Cumberland county, free of interest for five years, &c.]

Passed 24th February, 1806.—Recorded in Law Book No. X. page 246.

CHAPTER MMDCXLII.

An ACT to extend the Charter of the Philadelphia Bank.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the charter of the Philadelphia bank be, and the same is hereby extended and continued in force until the first day of May, in the year one thousand eight hundred and twenty-four, and no longer, being an extension of ten years, with the powers contained in the original charter thereafter, so far as relates to their bringing their affairs to a final close, and that the said whole period of the charter as so extended, be allowed for the making good the capital of the said bank, as diminished by the gratuity to the state for the charter; *Provided, That* the said institution permit the Governor of this commonwealth, to subscribe in behalf of the said commonwealth, the sum of two hundred thousand dollars, or any part thereof, at the present or any time hereafter, being part of the original privilege reserved to the state of subscribing four hundred thousand dollars; and permission having been obtained of the said institution, the Governor is hereby authorized and required immediately, to vest the sum of one hundred thousand dollars, in said stock at par, in the manner prescribed in the act of incorporation of the said institution, which allows the commonwealth to subscribe to that amount, at the expiration of four years thereafter at par, and shall pay for the same by warrants to be drawn on the treasury out of any money therein, the stock to issue in the name and for the use of this commonwealth.

SECT. II. *And be it further enacted by the authority aforesaid, That* so much of the original act of incorporation, and of the supplement thereto herein recited, as interferes with this act, be, and the same is hereby repealed.

Passed 1st March, 1806.—Recorded in Law Book No. X. page 249.

[Ante. pa. 35, see also vol. 3, pa. 219.]

The charter of the Philadelphia bank extended for ten years.

The Governor authorized to subscribe in behalf of the state, two hundred thousand dollars.

Repeal of so much of the original act as interferes with this act.

CHAPTER MMDCXLIII.

An ACT to establish a public ferry over Swatara creek, near its junction with the river Susquehanna, in the county of Dauphin, and for vesting the right in John Gregg, his heirs and assigns.

SECT. 1. [JOHN Gregg authorized to establish a ferry over Swatara, on the road leading from Middletown, Dauphin county, to York town, &c.]

Passed 1st March, 1806.—Recorded in Law Book No. X. page 250.

CHAPTER MMDCXLV.

An ACT granting a sum of money to the trustees of Jefferson College, in the county of Washington. (p) [Vol. 3, p. 478.]

Passed 1st March, 1806.—Recorded in Law Book No. X. page 252.

(p) By this act three thousand dollars none to continue to be so taught longer were granted to the College. Four than two years. (Note to former edition.)

CHAPTER MMDCXLVI.

An ACT declaring Mahantango creek, from the junction of Pine and Deep creeks, in Berks county, to its confluence, with the river Susquehanna, a public highway.

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Mahantango creek, forming the division line between Dauphin and Northumberland counties, from the mouth thereof up to the junction of Pine and Deep creeks, in Berks county, be, and the same is hereby declared a public highway, for the passage of rafts, boats and other vessels; and it shall be lawful for the inhabitants and others desirous of using the navigation of said creek, to remove all natural and artificial obstructions which may be in the same, excepting dams for mills, or other water works; and also to erect such slopes at the mill dams now built in the said creek, as may be necessary for the passage of rafts, boats or other vessels; *Provided*, such slopes be so constructed as not to injure the works of said dams, and also that any person or persons, owning or possessing lands on said creek, shall have liberty to erect any dam or dams across the same, agreeably and subject to all the restrictions and provisions of an act of the General Assembly, passed the twenty-third day of March, one thousand eight hundred and three, entitled, "An act to authorize any person or persons owning lands, adjoining navigable streams of water, declared public highways, to erect dams upon such streams for mills, or other water works."

A certain part of Mahantango creek, declared a public highway, &c.

Passed 1st March, 1806.—Recorded in Law Book No. X. page 253.

1806.

CHAPTER MMDCXLVII.

An ACT to erect the town of Connellsville, in Fayette county, into a borough.

SECT. 1. [CONNELLSVILLE erected into a borough, to be called "The Borough of Connellsville," and the boundaries described. 2. All persons entitled to vote for members of the legislature who have resided in the Borough twelve months previous to the election, to meet on the first Monday in April annually, and vote for borough officers. And mode of conducting the elections prescribed. And how vacancies are to be supplied. 3. The burgess and town council created a body politic, with perpetual succession, &c. by the name of "The Burgess and Town Council of the Borough of Connellsville," with the usual corporate powers. 4. Penalty on officers, duly elected refusing to take on them the execution of their respective offices. 5. Burgess, &c. to take the official oath, &c. before any Justice of the Peace of the county. 6. Town-council empowered to enact by-laws. To assess, apportion and appropriate taxes. To appoint a town clerk, treasurer and street commissioners. By-laws not to be repugnant to the constitutions or laws of the United States, or this commonwealth. Taxes not to exceed one half cent in the dollar, in any one year, unless, &c. 7. Powers of the burgess prescribed. 8. Duties of the town clerk; his attestation with the seal of the corporation, to be good evidence, &c. 9. The treasurer to give security. 10. All officers appointed by the corporation to render their accounts annually to the council. 11. The high constable to give notice of elections, &c. 12. An appeal to the Court of Quarter Sessions, allowed for supposed grievances under this act.]

Passed 1st March, 1806.—Recorded in Law Book No. X. page 253.

CHAPTER MMDCXLVIII.

An ACT to erect the town of Williamsport, in the county of Lycoming, into a borough.

SECT. 1. [WILLIAMSPORT erected into a borough, by the name of "The Borough of Williamsport," and the boundaries described. 2. Persons having resided in the borough six months previous to the election, and entitled to vote for members of the legislature, may vote for borough officers, on the first Monday of May, annually. Manner of conducting the election, prescribed. And of supplying vacancies. 3. The burgess and town council, and their successors, erected into a body politic, by the name of "The Burgess and Town Council of the Borough of Williamsport, in the county of Lycoming," with the usual corporate powers. 4. Penalties on officers duly elected refusing to serve. 5. Borough officers to take an oath of office, before any judge, or justice of Lycoming county, &c. 6. The town council empowered to enact by-laws, to regulate the market streets, &c. to assess and apportion

taxes : to appoint the necessary officers. By-laws not to be repugnant to the constitution, &c. Taxes not to exceed a cent in the dollar in any one year, &c. 7. How taxes are to be collected, &c. 8. Duties of the town clerk prescribed. 9. Treasurer to give security. 10. Officers appointed by the corporation to render their accounts annually. 11. Duties of the high constable prescribed. 12. Appeals from proceedings under this act, allowed to the next Quarter Sessions, on giving security, &c.]

1806.

Passed 1st March, 1806.—Recorded in Law Book No. X. page 257.

CHAPTER MMDCXLIX.

An ACT to ascertain part of the boundary line of Westmoreland and Fayette counties. [See vol. 2. pa. 81-88.]

WHEREAS doubts have arisen concerning that part of the boundary line between the counties of Westmoreland and Fayette, viz. From Cherry's, now Lobengier's mill, to where it intersects the line of Bedford, now Somerset county, as described by an act passed the seventeenth day of February, one thousand seven hundred and eighty-four, for annexing part of Westmoreland county to the county of Fayette : For remedy whereof,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the Governor be, and he is hereby authorized and required to appoint three commissioners, one of whom shall be a practical surveyor, for the purpose of running, marking and ascertaining part of the boundary line of the counties of Westmoreland and Fayette, according to the following boundaries ; *that is to say*, beginning where the state road now crosses the line of Somerset county ; thence on the nearest and best ground for a public highway, to intersect the Pittsburgh road, at or near Lobengier's mill ; and the said commissioners, or any two of them, shall make duplicate plots of the line so run, and shall deposit one with the recorder of deeds of each county, in order to their being entered of record ; for which service the said commissioners shall receive each the sum of three dollars for every day they shall necessarily be employed in laying out, marking and ascertaining said line, exclusive of reasonable allowance for chain-carriers ; which line shall thenceforth be deemed and taken as the division line between the counties of Westmoreland and Fayette, and for ever after be kept in repair by the adjoining townships, as other roads and highways.

Commissioners to be appointed to run and mark the line, between Westmoreland and Fayette counties.

Duties of the commissioners;

their compensation.

SECT. II. *And be it further enacted by the authority aforesaid, That* the expense attending the execution of the duties enjoined on the commissioners by this act, shall be paid one half by each county ; and the county commissioners are hereby authorized to draw warrants accordingly on their respective treasurer, in favour of the said commissioners appointed to run the lines aforesaid.

Expenses to be paid half by each county.

1806.

Commissioners authorized to contract for opening a road, along said boundary line; appropriation therefor; how and out of what fund to be paid.

SECT. III. *And be it further enacted by the authority aforesaid;* That the commissioners appointed as aforesaid, or any two of them be, and they are hereby authorized and required to contract with any person or persons, and take security for opening and clearing the said road, for any sum not exceeding four hundred dollars; and the said commissioners are hereby empowered to draw an order or orders on the treasurer of Westmoreland county, for such parts of the sum of four hundred dollars, as shall be necessary for the purposes aforesaid, and shall be paid by him out of the arrearages of state taxes due from Westmoreland county, which shall be allowed him on the settlement of his accounts with the comptroller-general.

Passed 1st March, 1806.—Recorded in Law Book No. X. page 261.

CHAPTER MMDCLJ.

An ACT to encourage the killing of Wolves.

Premium allowed for killing wolves.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, any person or persons who shall kill any wolf or wolves within the bounds of any county within this commonwealth, and who shall produce the head or heads thereof before any justice of the peace, in and for any county as aforesaid, it shall be the duty of such justice to examine such person or persons on oath or affirmation, touching the time when, and place where, such wolf or wolves was or were caught and killed, and if the place of such catching and killing shall be found to be within the bounds of the county, in which such justice has jurisdiction, and if the wolf be full grown, it then shall be the duty of such justice after destroying such head or heads, to give such person or persons a certificate of the facts to the commissioners of the county, who shall draw their order for eight dollars on the treasurer of the county in which it shall have appeared such wolf or wolves was or were caught and killed, for each and every head produced and destroyed as before mentioned; and for every wolf puppy that shall be produced and destroyed as before mentioned, he shall certify to the commissioners as aforesaid, who shall draw their order on the treasurer aforesaid, for the sum of three dollars; and it shall be the duty of such treasurer, and he is hereby directed to pay the amount of the said order out of the money in the treasury appropriated for county purposes.

Former act repealed.

SECT. II. *And be it further enacted by the authority aforesaid,* That the act, entitled "An act more effectually to encourage the killing of wolves," passed the thirteenth of April, one thousand seven hundred and eighty-two, is hereby repealed.

Passed 10th March, 1806.—Recorded in Law Book No. X. page 264.

CHAPTER MMDCLIII.

An ACT to organize the provisional county of Indiana.

[Ante. chap. 2363, pa. 83.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assem-*

bly met, and it is hereby enacted by the authority of the same, That from and after the first Monday in November next, the inhabitants of Indiana county, shall enjoy all and singular the jurisdiction, powers, rights, liberties and privileges, within the same, which the inhabitants of other counties in this state do enjoy by the constitution and laws of this commonwealth.

1806.

The county of Indiana organized.

SECT. II. And be it further enacted by the authority aforesaid, That actions of trespass and ejectment for the trial of titles to land, actions of trespass *quare clausum fregit*, for entry into any lands or tenements within the county of Indiana, which shall at the time of passing of this act or before the first Monday in November next, have been commenced in the Court of Common Pleas or Circuit Court of Westmoreland county, and which shall on the said first Monday of November next, be still pending and undetermined, shall be transferred to the Court of Common Pleas and Circuit Court of Indiana county, there to be proceeded on to trial and determination according to law in the same state and subject to the same rules, as they or any of them were on the said Monday; and the prothonotary of Westmoreland county shall, and he is hereby enjoined within thirty days after the said first Monday of November next, to make out a docket containing a statement of all such actions then pending and undetermined in the said county of Westmoreland, and shall have the said docket together with the records, declarations and other papers, respecting all such actions then pending and undetermined as aforesaid, ready to be delivered to the prothonotary of Indiana county, who before he receives the same, shall pay to the prothonotary of Westmoreland county, for every action contained in said docket, the usual fees allowed for similar services, which shall be reimbursed to him by the county of Indiana, and all such actions so pending and undetermined as aforesaid, and transferred as aforesaid by the prothonotary of Westmoreland county to the prothonotary of Indiana county, shall be considered as pending in the Court of Common Pleas and Circuit Court of Indiana county, from and after the first Monday of November next, as if they had been originally commenced in said county; and the prothonotary of Indiana county shall account on the receipt of the costs on all such actions, or any of them, to the prothonotary of Westmoreland county, for all legal fees incurred in the county of Westmoreland on such actions, or any of them, and no action or suit, other than the said actions of trespass and ejectment, or trespass *quare clausum fregit* now commenced, or which may be commenced in the county of Westmoreland, before the first Monday of November next, against any person living or residing in Indiana county shall be stayed, discontinued or affected by this act, or any thing herein contained, but the same may be prosecuted in the same manner as if this act had not been passed.

What actions depending before the Court of Common Pleas or Circuit Court of Westmoreland county, shall be transferred to the courts of Indiana county.

Certain duties enjoined on the prothonotary of Westmoreland county.

for which he is to be compensated by the prothonotary of Indiana; who is to be reimbursed by said county;

The prothonotary of Indiana further to account with the prothonotary of Westmoreland county.

SECT. III. And be it further enacted by the authority aforesaid, That the sheriff, coroner and other public officers of Westmoreland county, shall continue to exercise the duties of their respective offices, within the county of Indiana as heretofore, until the first Monday of November next.

How long the sheriff and coroner of Westmoreland are to continue to act, &c.

1806.

The county officers to give security in the like sum, &c. as the officers of Crawford county.

SECT. IV. *And be it further enacted by the authority aforesaid,* That sheriffs, coroners, treasurers and all such other officers as have heretofore usually given bail for the faithful discharge of the duties of their respective offices, who shall be hereafter elected or appointed in the county of Indiana, before they enter on the duties of their offices, shall give sufficient sureties in the like sums, and in the like manner and form, and for the like purposes, uses and trusts, as such officers are obliged to do in the county of Crawford, or for such sums, or in such manner as may hereafter be directed by law.

Of assessing levying and collecting taxes and militia fines.

SECT. V. *And be it further enacted by the authority aforesaid,* That all taxes laid or directed to be laid within the county of Indiana, before the passing of this act, shall be laid, assessed, levied, collected and recovered in the same manner as if this act had not been passed, and all sums of money due this commonwealth for militia fines in the said county of Indiana, and arrearages of taxes, shall be collected and recovered in the same manner as if this act had not been made.

Of erecting public buildings for county purposes.

SECT. VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners that may be hereafter elected for the county of Indiana, to erect or cause to be erected as soon as they may deem expedient, a court-house, prison and other public buildings for the safe-keeping of the records and other public papers appertaining to, or in, the county aforesaid, in such parts of the public ground appropriated for that purpose in the town of Indiana, in the county of Indiana, as the commissioners of said county may think proper; and the commissioners of Westmoreland and Indiana counties are hereby directed to examine, liquidate and settle the accounts which have been kept of the county taxes, agreeably to an act of the General Assembly of this commonwealth, passed the twelfth day of March, one thousand eight hundred and one, and having ascertained the balance which may be due from either county to the other, the commissioners of the debtor county shall draw an order on their treasurer, directing him to pay the treasurer of the creditor county the balance which shall be so found due.

The commissioners of Westmoreland and Indiana counties to examine and liquidate the accounts of taxes between said counties, &c.

Of procuring temporary buildings for holding the courts of justice.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the commissioners of Indiana county, shall have power to procure a house in or as near the town of Indiana, as convenience will admit at the least possible expense, in which the courts of said county shall be held until a court-house is erected, or if such house cannot be procured, the aforesaid commissioners shall have power to erect temporary buildings in said county, for that purpose.

Of the election of county officers.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the citizens, inhabitants of Indiana county, who are or shall be qualified to elect, agreeably to the laws and constitution of this state, shall, at the general election to be held in the county aforesaid, on the second Tuesday of October next, choose two fit persons for sheriffs, two for coroners, and three for commissioners in said county, in the same manner, and under the same regulations and penalties as by the constitution and laws of this commonwealth, similar officers are chosen in other counties; and said officers, when chosen as aforesaid, and duly qualified to enter on the duties of their

respective offices, shall have and enjoy all and singular the powers, authorities, privileges and emoluments, in or any way arising out of their respective offices, in and for the county aforesaid, as fully as such officers are entitled to in any of the counties within this commonwealth. 1806.

SECT. IX. *And be it further enacted by the authority aforesaid,* That until it shall be otherwise directed by law, the county district of Jefferson shall be annexed to the county of Indiana, and the inhabitants of Jefferson county, shall in conjunction with those of Indiana, have, exercise and enjoy all the privileges and immunities granted to the inhabitants of Indiana, by this act as fully and to all intents and purposes as if the said county district was and had been a component part of the county of Indiana; and the county commissioners and other officers that are or may hereafter be appointed in the county of Indiana, shall have and exercise the same powers and jurisdictions in and over the county district of Jefferson, and be subject to the same laws, rules and regulations, to all intents and purposes as the county commissioners and other officers in the county of Westmoreland are authorized to do and perform in virtue of an act, entitled "A supplement to an act entitled "An act to erect parts of Lycoming, Huntingdon and Somerset counties into separate county districts," passed the third day of February, one thousand eight hundred and six: *Provided nevertheless,* That nothing in this act shall be so construed as to prevent the collection of any tax or taxes that may have been levied and assessed by the commissioners of Westmoreland county, at any time before this act shall come into operation, any law or laws to the contrary notwithstanding.

The county district of Jefferson annexed to the county of Indiana, &c.

SECT. X. *And be it further enacted by the authority aforesaid,* That the Courts of Common Pleas and Quarter Sessions of the Peace for the county of Indiana, shall, from and after the first Monday of November next, commence and be holden on the second Mondays after the courts in Somerset county; and the judges of the Supreme Court, the president of the tenth district or circuit, and the judges to be appointed in the said county of Indiana, shall have and exercise like powers, jurisdictions and authorities within and over the same as are or may be warranted to and exercised by the judges in other counties within this state, and all process from said Court of Common Pleas or Quarter Sessions of the Peace, which shall issue and be made returnable to the first term as herein mentioned, shall bear test on the first Tuesday of November next.

Times of holding the county courts.

SECT. XI. *And be it further enacted by the authority aforesaid,* That every law, or part of any law, which is by this act altered or supplied, shall so far and no further be repealed and made void.

Repealing clause.

Passed 10th March, 1806.—Recorded in Law Book No. X. page 265.

1890.

CHAPTER MMDCLIV.

An ACT to incorporate the town of Gettysburgh in the county of Adams.

SECT. 1. [THE town of Gettysburgh incorporated, by the name of "The Borough of Gettysburgh," and its boundaries described. 2. The freeholders resident therein, and householders renting property of the yearly value of thirteen dollars and thirty-three cents, having resided there one whole year immediately preceding and being citizens of this commonwealth may vote for borough officers, on the first Tuesday in May annually, and the manner of conducting the elections prescribed. How vacancies are to be supplied. 3. The burgess and town council, created a body politic, by the name and style of "The Burgess and Town Council of the Borough of Gettysburgh," with the usual corporate powers and privileges, &c. 4. Penalty on borough officers, duly elected refusing to serve. 5. The burgess, &c. to take the oath of office, before any Justice of the Peace of the county. 6. The town council to meet for the purpose of enacting by-laws, &c. Regulating the markets, &c. and appointing town clerk, treasurer, &c. By-laws not to be repugnant to the constitutions and laws, &c. Taxes limited to half a cent in the dollar, annually, &c. 7. How taxes are to be collected, and powers of the burgess to carry into effect the by-laws, and in disputes between the corporation and individuals under the by-laws, and to be a conservator of the peace within the borough, &c. 8. Duties of the town clerk prescribed. 9. Treasurer to give security. 10. All officers appointed by the corporation to render their accounts annually to the town council. 11. Duties of the high constable prescribed. 12. Inhabitants and persons holding property in the borough, (paupers excepted) shall be competent witnesses, in actions arising under this act. 13. Other officers to be elected within the borough, viz. a petit constable, an inspector for the general election, assessor and assistant assessors, as in other townships, &c. 14. Of appeals from proceedings under this act, to the next sessions.]

Passed 10th March, 1806.—Recorded in Law Book No. X. page 268.

CHAPTER MMDCLVI.

An ACT to provide for the erection of a house for the employment and support of the poor, in the county of Montgomery.

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That as soon as the debts now owing and due by the county of Montgomery shall have been paid, and the bridges which have been adjudged by viewers legally appointed for that purpose, necessary for the accommodation of the public shall have been erected, it shall be in the power of the commissioners of the said county, with the con-

When a house for the employment and support of the poor of Montgomery county, is to be erected:

sent and approbation of the Court of Quarter Sessions and Grand Jury of the same county, to direct that a house for the employment and support of the poor be erected therein. 1806.

SECT. II. *And be it further enacted by the authority aforesaid,* That as soon as the said commissioners with the consent of the said court and grand jury, shall have directed the said house to be erected, they shall give notice of such determination to the sheriff of their county who thereupon shall give notice by public advertisements, that the electors of the said county of Montgomery, shall at the general election next ensuing, and in the manner prescribed for the election of members of the house of representatives of this commonwealth, elect seven reputable citizens of the said county, who, or a majority of them shall be, on or before the first day of May next after their election, to determine upon and fix the place on which the said buildings shall be erected, and shall certify their proceedings therein, under their hands and seals, to the clerk of the Court of Quarter Sessions of the county of Montgomery, to be filed in his office; and the said electors shall also elect three reputable citizens of the said county in like manner, to be directors of the poor, and of the house of employment for the county of Montgomery, for the ensuing year; and the judges of election of the said county shall immediately on receiving the returns from the several election districts, and casting up the number of votes therein, or within three days thereafter, certify under their hands and seals the names of the persons so elected, to fix on a proper site for the said building, and the names of the directors, so chosen to the clerk of the Court of Quarter Sessions of the said county, who shall file the said certificate in his office, and forthwith give notice in writing to the said persons and directors, of their being elected; and the said directors shall meet at the court-house, in the said county on the first Monday in November next ensuing their election, and divide themselves by lot into three classes, the place of the first to be vacated at the expiration of the first year, of the second at the expiration of the second year, and of the third at the expiration of the third year; so that those who shall be chosen after the first election, and in the mode above prescribed, may serve for three years; and one third be chosen annually: *Provided always, and be it further enacted,* That it shall be lawful for the said seven citizens, or a majority of them, to receive proposals for the sale of lands whereon to erect the said buildings, and accommodate the same, and to contract for and hold the same, and take conveyances therefor, in the name of and for the use of the said corporation.

SECT. III. *And be it further enacted by the authority aforesaid,* That each director elected in manner aforesaid, or appointed as is directed by the twelfth section of this act, shall, within ten days after he is notified of such election or appointment, and before he enters on the duties of the said office, take an oath or affirmation, which any Justice of the Peace of the said county is hereby authorized to administer, that he will discharge the office of director of the poor for the said county, truly, faithfully and impartially, to the best of his knowledge and ability; and in case of neglect or refusal to take the said oath or affirmation within the time aforesaid,

of which the commissioners are to give notice.

Persons to be chosen to fix on a site for the building.

Directors of poor to be elected.

Certificate of the election.

Meeting of the directors and rotation of service.

Directors to take an oath of office, &c.

1806.

he shall forfeit and pay the sum of ten dollars, for the use of the poor of the said county; which fine shall be recovered by the directors, for the time being, as debts of equal amount are or shall be by law recoverable.

The directors incorporated.

Style of the corporation:

its immunities, powers and duties.

Treasurer to be appointed; his qualification and duties.

Seal of the corporation.

Estimate to be made of the expenses of erecting the buildings.

Tax to be raised for defraying the same.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said directors shall forever hereafter, in name and in fact, be one body politic and corporate in law, to all intents and purposes whatsoever, relating to the poor of the county of Montgomery, and shall have perpetual succession, and may sue and be sued, plead and be impleaded, by the name, style and title of "The Directors of the Poor and of the House of Employment for the county of Montgomery," and by that name shall and may receive, take and hold any lands, tenements and hereditaments, not exceeding the yearly value of ten thousand dollars; and any goods and chattels whatsoever, of the gift, alienation or bequest of any person or persons whomsoever, to purchase, take and hold any lands and tenements within their county, in fee-simple or otherwise, and erect suitable buildings thereon, for the reception, use and accommodation of the poor of their county, to provide all things necessary for the reception, lodging, maintenance and employment of the said poor, to appoint a treasurer annually, who shall give bond with sufficient surety, for the faithful discharge of the duties of his office; and that at the expiration thereof he will well and truly pay and deliver over to his successor all monies, bonds, notes, books, accounts and other papers, to the said corporation belonging, which shall then be remaining in his hands, custody and possession, to employ, and at pleasure to remove a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other necessary attendants for the said poor respectively; to bind out as apprentices, so that such apprenticeship may expire, if males, at or before the age of twenty-one years, if females, at or before the age of eighteen years, such poor children as shall come under their notice, or as may now be bound apprentices by the overseers of the poor, and to exercise and enjoy all such other powers now vested in the overseers of the poor, as are not herein granted or supplied; and the said directors shall be empowered to use one common seal in all business relating to the said corporation, and the same at their pleasure to alter or renew.

SECT. V. *And be it further enacted by the authority aforesaid,* That the said directors as soon as may be after their election and organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands, erecting the necessary buildings, and furnishing the same, whereupon the commissioners of the said county shall, and they are hereby authorized and required to increase the county-tax by one fourth part of the sum necessary for the purposes aforesaid, and shall procure on loan on the credit of the taxes herein directed to be levied, the remaining three fourths thereof to be paid in instalments with interest out of the county taxes: *Provided always,* That if such loan cannot be made, the whole amount of the sum necessary for the purposes aforesaid, or such part thereof as may be deemed proper, shall immediately be added to the county tax, to be paid by the county-treasurer to the

directors aforesaid, on orders drawn in their favour by the county commissioners as the same may be found necessary. 1806.

SECT. VI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said directors, or a majority of them, immediately after their first election, and so annually for ever thereafter, to make an estimate of the sum necessary for the support of the poor of the said county, for the year ensuing the making such estimate, and shall forward the same to the county commissioners, who shall provide by tax or otherwise, the sum required by such estimate, and pay the same over to the treasurer of the said corporation.

Estimate to be made annually, of the sum necessary for the support of the poor.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the said directors shall, at least once in every year, render an account of all the monies by them received and expended, to the auditors appointed to audit and settle the county accounts, subject to the same penalties, rules and regulations as are by law directed respecting the account of the county commissioners; and shall also, at least once in every year, lay before the Court of Quarter Sessions and Grand Jury of the said county, a list of the number, ages and sexes of the persons maintained and employed in the said house of employment, or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeships as aforesaid, with the names of the masters or mistresses, and their trade, occupation or calling; and shall at all times, when thereunto required, submit to the inspection and free examination of such visitors as shall from time to time be appointed by the Court of Quarter Sessions of the said county, all their books and accounts, together with the rents, interests and monies payable and receivable by the said corporation, and also an account of all sales, purchases, donations, devises and bequests, as shall have been made by or to them.

Directors accounts to be rendered annually.

Return of persons in the poor house.

Inspection of the books.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That as soon as the said buildings shall be erected, and all necessary accommodations provided therein, notices shall be sent, signed by any two of the said directors, to the overseers of the poor of the several townships of the said county of Montgomery, requiring them forthwith to bring the poor of their respective townships to the said house of employment, which order the said overseers are hereby enjoined and required to comply with, or otherwise to forfeit the cost of all future maintenance, except in cases when by sickness or other sufficient cause, any poor person cannot be removed, in which case the said overseers shall represent the same to the nearest Justice of the Peace, who, being satisfied of the truth thereof, shall certify the same to the said directors, and at the same time issue an order under his hand and seal to the overseers, directing them to maintain such poor, until such time as he or she shall be in a situation to be removed, and then to convey the said pauper, and deliver him or her to the steward or keeper of the said house of employment, together with the said order; and the charge and expense of such temporary relief, and of such removal, shall be paid by the said directors at a reasonable allowance.

When and how the poor are to be removed to the house of employment.

Exception as to the sick, and how they are to be provided for.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the said directors shall, from time to time, receive, provide

The directors required to receive,

1806.

provide for
and employ
the poor of
Montgomery
county.

for and employ, according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in the said county of Montgomery, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two Justices of the Peace, directed to any constable of the said county of Montgomery, or to the overseers of the proper township in any other county of this commonwealth, and to the said directors of the poor and of the house of employment of the said county of Montgomery; and the said directors are hereby authorized, when they shall deem it proper and convenient so to do, to permit any poor person or persons to be maintained elsewhere.

Power of the
directors to
make rules
and regula-
tions.

SECT. X. *And be it further enacted by the authority aforesaid,* That the said directors, or any two of them, who shall be a quorum in all cases to do business, shall have full power to make and ordain all such ordinances, rules and regulations, as they shall think proper, convenient and necessary, for the direction, government and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and of all such persons as shall come under their care or cognizance: *Provided,* The same be not repugnant to this law, or any other of the laws of this state or of the United States: *And provided also,* That the same shall not have any force or effect until they shall have been submitted to the Court of Common Pleas for the time being of the said county of Montgomery, and shall have received the approbation of the said court.

Times and
places of
meeting of
the direct-
ors.

SECT. XI. *And be it further enacted by the authority aforesaid,* That a quorum of said directors shall, and they are hereby enjoined and required to meet at the said house of employment at least once in every month, and visit the apartments, and see that the poor are comfortably supported, and hear all complaints, and redress or cause to be redressed, all grievances which may happen by the neglect or misconduct of any person or persons in their employment.

Compensa-
tion of the
directors.

SECT. XII. *And be it further enacted by the authority aforesaid,* That the said directors shall, each of them, receive for their services forty dollars per annum, to defray the expenses of their necessary attendance on their duties of the offices.

Of supplying
vacancies in
the direction.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That in case of any vacancy by death, resignation, or otherwise, of any of the said directors, the remaining directors shall fill such vacancy by appointment of a citizen of their said county, under the same penalty as is provided by the third section of this act, to serve until the next general election, when another director shall be elected to serve as if no such vacancy had happened.

How monies
in the hands
of the over-
seers of the
poor are to
be applied.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That all the monies which shall be remaining in the hands of the overseers of the poor of the several townships of Montgomery county, at the time when the first county poor tax shall be assessed, levied and collected, shall be paid over by the said overseers to the supervisors of the highways of their respective townships, to be by them applied towards the repairing of the roads therein.

When the of-
fice of over-
seer of the

SECT. XV. *And be it further enacted by the authority aforesaid,* That as soon as the poor of the county of Montgomery, shall be

removed to the house of employment of the said county, the office of overseer of the poor within the said county, shall from thenceforth be abolished. 1806.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That as soon as the aforesaid buildings are completed, so much of the laws of this commonwealth, relating to the poor of the county of Montgomery, as is by this act altered or supplied, be, and the same is hereby repealed.

poor of Montgomery county is to be abolished. Repeal of parts of former laws, hereby supplied.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That when the buildings shall be completed as aforesaid, the powers conferred and duties imposed on the overseers of the poor, in and by an act to empower the overseers and guardians of the poor of the several townships within this commonwealth, to recover certain fines, penalties and forfeitures, and for other purposes, shall and hereby are conferred and imposed on the supervisors of the highways in the said county of Montgomery; and that the justices of the peace and sheriff within the said county, are hereby required and enjoined to pay to the said supervisors, to be by them applied to the repair of the highways, the aforesaid fines, penalties and forfeitures within the time, and in the manner prescribed by the said act for the payment thereof in other counties, to the overseers of the poor, and to give notice of the receipt thereof to the said supervisors, within the time and in the manner aforesaid; and that for any neglect or refusal to perform any of the duties enjoined on them by the said act, the said justices of the peace and sheriff in the said county, shall be subject to all the fines, penalties and forfeitures, to which the justices of the peace and sheriffs in other counties are by the said act subject and liable.

Certain duties imposed on the overseers of the poor, conferred on the supervisors of the highways.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That the commissioners of the said county are hereby authorized and empowered to pay to the persons who are appointed by this act, to fix the place where the buildings for the accommodation of the poor in said county shall be erected, such sums of money as will be sufficient to reimburse them for their expenses, and also to pay to each of the said directors such sum of money as (together with the annual sum allowed them by this act,) may be in the opinion of the commissioners a reasonable compensation for their services during the time they are employed in erecting the buildings aforesaid. (q)

Compensation to the persons appointed to fix the site of the poor-house, and additional allowance to the directory.

Passed 10th March, 1806.—Recorded in Law Book No. X. page 273.

(q) By an act passed 26th January, 1807, (chap. 2732,) the persons elected buildings, &c. are authorized and required to proceed in the duties enjoined at the preceding general election, to on such persons by the act in the text. superintend the erection of the public

CHAPTER MMDCLIX.

An ACT to authorize the Governor of this commonwealth, to incorporate a company for the purpose of erecting a Permanent Bridge over the river Schuylkill, at or near the place usually called Gray's ferry.

SECT. 1. [COMMISSIONERS to take in subscriptions. Form of subscription. Price of stock to be one hundred dollars

1806. per share. Amount of capital to be sixty thousand dollars. Public notice to be given of the times and places of receiving subscriptions. Reservation of shares for the heirs of George Gray, deceased ; and how appropriated among the heirs. And to be free and clear of all charges whatsoever. 2. When and how the subscribers may obtain a patent of incorporation. Style of the corporation to be, "The President, Directors and Company, for erecting a Permanent Bridge over the river Schuylkill, at or near the place usually called Gray's ferry." 3. When and how the corporation shall be organized. Officers of the corporation chosen. Limitation of votes by the stockholders to twenty-five votes at any election. 4. Of the annual meetings of the stockholders. 5. Certificates of shares to be delivered to each stockholder ; which shall be transferable under certain regulations. 6. When the company is organized, the estate, right, title, &c. of the heirs and representatives of George Gray, deceased, in and to certain property herein mentioned, shall cease and be transferred to the said company. Description of the estate so transferred. Proviso, that if the work is not undertaken and completed within a certain time, the said estate shall revert to the said heirs, &c. And the legislature may resume the privileges hereby granted to the company. 7. How the place for building the bridge may be fixed upon. Of the meetings of the president and directors, and their powers prescribed. And the said president, directors and company shall within the space of ten years, erect or cause to be erected in a permanent and workman-like manner, a good substantial bridge of wood, iron, stone or other materials, which to them shall seem adequate and proper over the said river Schuylkill, at the place herein mentioned ; the said bridge to consist of one or more arch or arches, one of which, over the channel of the said river, shall not be less in height from common low-water to the under side thereof than seventy-five feet with stone abutments, and one or more piers if necessary, to be at least thirty-five feet wide with railing on each side thereof, with foot-ways at least four feet wide, either raised or railed off, for the accommodation of foot passengers. 9. Penalty if stockholders neglect to make payments on their shares. 10. Of the accounts of the president and directors. 11. When the company may demand and receive tolls. And rates of toll prescribed. Persons, carriages, or cattle of whatsoever description, shall keep to the right hand side in passing others, except that when overtaking carriages of slow travel, they may pass if there is sufficient room without opposing others, for which purpose those of slow travel shall yield accommodation. Any person who shall offend against this rule shall be liable to a forfeiture and payment of five dollars. Injury done to any part of the bridge or its appurtenances, or obstructing the passage thereof, shall subject the offender to a forfeiture and payment of thirty dollars, and shall be also subject to an action of damages for other torts ; firing of guns, or shooting in any manner within two hundred yards of the bridge, shall subject the offender to a forfeiture and payment of five dollars for every offence, evasions of toll in any manner whatsoever, or of offending against any of the regulations herein-before expressed, to which no penalties are affixed, shall subject the offender to a forfeit-

ure and payment of five dollars for every offence ; excessive charge of tolls or abuse of the privileges herein granted to the president, directors and company aforesaid, shall subject the said president, directors and company to a forfeiture and payment of ten dollars for every offence ; neglect in not keeping in good order and repair the said bridge and its appurtenances, shall at all times be an indictable offence, and shall subject the owners thereof to a forfeiture and payment of thirty dollars : *Provided always*, That no action shall be instituted after due repairs shall have been made. 12. Half yearly dividends to be made of the profits : Allowing a proportion thereof for a contingent fund for repairs, &c. Notice to be given where and when the same will be paid. 13. Provision in case any lien or incumbrance should hereafter appear on the property in this act, conveyed by the heirs, &c. of George Gray, deceased ; and also in case the said heirs, &c. should hereafter choose to purchase the shares of other stockholders. 14. How the legislature may purchase the bridge.]

Passed 10th March, 1806.—Recorded in Law Book No. X. page 281.

CHAPTER MMDCLXI.

An ACT authorizing the Governor to incorporate a company, for making the river Conestogo navigable from its confluence with the river Susquehanna to Abraham Hostetter's mill.

SECT. 1. [COMMISSIONERS appointed to open books and receive subscriptions for the Conestogo lock and dam navigation. Form of subscription. Notice to be given of the times and places of subscription. For what time the books are to be kept open. Of adjournments of the commissioners ; notice thereof to be published. Subscribers to pay a deposit of ten dollars for every share subscribed. 2. When a certain number of shares, or the whole are subscribed, commissioners to certify the same to the governor ; who may thereupon incorporate the subscribers by the name and title of "The President and Managers of the River Conestogo Lock and Dam Navigation," with the usual corporate powers. 3. The subscribers to be notified to meet and organize the corporation. Officers to be chosen, and number of votes limited. 4. Times of annual and special meetings of the company prescribed, and powers of the company at such meetings. 5. Of meetings of the president and managers ; of a quorum to transact business, &c. 6. Certificates of shares to be issued on payment of twenty dollars each ; which shall be transferable. 7. Regulation in case stockholders neglect to pay their dividend of capital. 8. The president and managers, &c. may enter lands, &c. first giving notice to the owners. Making amends for any damages done in taking away materials, &c. 9. President and managers authorized to contract for the purchase of lands necessary to perfect the navigation. Proceedings where they cannot agree with the owners for such purchases by writ in nature of a writ of *ad quod damnum*. 10. Privilege to the owners of lands adjoining dams, erected by the company to erect water-works, &c. 11.

1806. Where the company shall be bound to erect bridges over the river Conestogo. 12. President and managers to appoint toll-gatherers. And rates of toll prescribed. Amount of tolls not to exceed six cents per mile for every ton burthen, &c. 13. Mode of ascertaining the size of rafts, and tonnage of boats. 14. The collectors of tolls may stop boats, &c. until the tolls are paid, &c. 15. Treasurer of the company, &c. may be required to give security. 16. The president and managers to keep an account of subscriptions, &c. and submit the same to a general meeting of the stockholders, and of increasing the capital stock of the company. 17. The president and managers to keep the account of tolls and declare dividends on the profits, &c. 18. To lay an abstract of their accounts, triennially, before the legislature, in order to ascertain the clear income; and if the profits do not amount to six per cent. the tolls may be increased; but not to exceed nine per cent. 19. In what cases the legislature may resume the rights and privileges granted by this act. 20. The company authorized to extend the navigation further up the river.]

Passed 17th March, 1806.—Recorded in Law Book No. X. page 291.

CHAPTER MMDCLXIII.

An ACT securing to mechanics and others, payment for their labour and materials, in erecting any house or other building, within the city and county of Philadelphia.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all and every dwelling house or other building hereafter constructed and erected within the city and county of Philadelphia, shall be subject to the payment of the debts contracted for, or by reason of any work done or materials found, and provided by any brickmaker, bricklayer, stone-cutter, mason, lime merchant, carpenter, painter and glazier, ironmonger, blacksmith, plasterer, and lumber merchant, or any other person or persons employed in furnishing materials, for, or in the erecting and constructing such house or other building before any other lien, which originated subsequent to the commencement of the said house or other building; but if such house or other building should not sell for a sum of money sufficient to pay all the demands for work and materials, then, and in such case, the same shall be averaged, and each of the creditors paid a sum proportioned to their several demands: Provided always, That no such debt for work and materials, shall remain a lien on the said houses or other buildings longer than two years from the commencement of the building thereof, unless an action for the recovery of the same be instituted or the claim filed within six months after performing the work, or furnishing the materials in the office of the prothonotary of the county: And provided also, That each and every person having received satisfaction for his or their debt, for which a claim has been or shall be filed or action brought as aforesaid,*

Dwelling and other houses hereafter erected within the city and county of Philadelphia, made subject to the payment of all debts contracted in the erection thereof.

Where the house will not sell for sufficient to discharge all such demands, they are to be averaged and paid proportionably; such debts not to remain a lien longer than two years from the commencement of the building, unless an action is brought, &c.

shall at the request of any person interested in the building on which the same was a lien, or in having the same lien removed, or of his, her, or their legal representatives, on payment of the costs of the claim or action, and on tender of the costs of office, for entering the satisfaction within six days after such request made, enter satisfaction of the claim in the office of the prothonotary of the court, where such claim was or shall be filed or such action brought, which shall for ever thereafter discharge, defeat and release the same; and if such person having received such satisfaction as aforesaid, by himself or his attorney, shall not within six days after request, and payment of the costs of the claim or action and tender as aforesaid, by himself or his attorney duly authorized, enter satisfaction as aforesaid, he, she, or they neglecting or refusing so to do, shall forfeit and pay unto the party or parties aggrieved any sum of money, not exceeding one half of the debt, for which the claim was filed or action brought as aforesaid, to be sued for and demanded by the person or persons damnified in like manner as other debts are now recoverable by law of this commonwealth.

1806.
Satisfaction of the several demands, when paid, to be entered in the prothonotary's office, &c.

SECT. II. *And be it further enacted by the authority aforesaid,* That the act, entitled "An act securing to mechanics and others, payment for their labour and materials, in erecting any house or other building within the city of Philadelphia, the district of Southwark and the township of the Northern Liberties," passed the first day of April, one thousand eight hundred and three, be, and the same is hereby repealed, excepting as it applies to liens cognizable by the said recited act, previous to the passing of this act, and to actions now pending under the said recited act, to such liens and actions, (and none other,) it shall continue in force to the final determination of the same. (r)

Former act repealed.

Passed 17th March, 1806. — Recorded in Law Book No. X. page 300.

(r) This act is extended to the boroughs of Lancaster, Pittsburgh, and Erie, by act of 28th March, 1808, (chap. 2983.) The second section of which provides a mode of recovering monies under the liens created by both acts, by an original action, or by *scire facias*, &c.

CHAPTER MMDCLXV.

An ACT altering the times of holding township elections, and meeting of return judges of the general elections.

WHEREAS it has been represented to the legislature by sundry citizens, called Seventh-day Baptists, that owing to township elections and other public business being transacted on Saturday or Seventh-day of the week, they are in a great measure excluded from a participation in the privileges of free citizens: And whereas it is presumed that changing of such elections and meetings, while it would afford the relief prayed for by the petitioners, would not be any injury to other citizens of this commonwealth, but rather a benefit: Therefore,

1806.

All township elections and meetings of return judges, heretofore held on Saturday, to be held in future on the Friday preceding.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the fourth day of July next, all township elections and meetings of return judges of the general elections, that now are directed by law to be held on Saturday, shall be holden on the Friday immediately preceding, and so much of any law as is by this act altered or supplied, shall be, and the same is hereby repealed, from and after the said fourth day of July next.*

Passed 17th March, 1806.—Recorded in Law Book No. X. page 302.

CHAPTER MMDCLXVI.

An ACT to authorize Lewis Reese and Thomas Mills, to erect a Wing-dam, on the river Schuylkill, in the county of Berks.

SECT. 1. [LEWIS REESE and Thomas Mills, authorized to erect a wing-dam on the river Schuylkill, so as not to impede the navigation thereof. 2. Commissioners to be appointed, on complaint of any person, to view the dam, &c. upon whose report an indictment may be sent to the grand jury, &c.]

Passed 17th March, 1806.—Recorded in Law Book No. X. page 303.

CHAPTER MMDCLXVII.

[Ante, p. 165.]

An ACT to authorize the president, managers and company of the Susquehanna and Lehigh turnpike road, to extend the same, and also to construct a branch therefrom.

SECT. 1. [THE company authorized to lay out and construct a branch road, and also to extend the main road. 2. And for those purposes they are empowered to receive subscriptions for new shares. 3. They are invested with similar powers and subjected to similar duties and limitations, in respect to the branch and extended road, as in respect to the main original road.]

Passed 17th March, 1806.—Recorded in Law Book No. X. page 304.

CHAPTER MMDCLXX.

An ACT for establishing a Health-office, and to secure the city and port of Philadelphia, from the introduction of pestilential and contagious diseases.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That a board of health shall be established in the manner hereinafter directed which shall be and hereby is erected into a body corporate in*

A board of health established and incorporated;

deed and in law, by the name, style and title of "The Board of Health," who shall have perpetual succession and enjoy all and every the rights, liberties and privileges, powers, authorities and immunities, incident or belonging to a corporation or body politic, and by that name, may take and hold all the estate real and personal, now vested in the present board of health, and shall moreover have and exercise the powers and authorities herein after mentioned; *that is to say*, The Governor of this commonwealth shall, on or before the first day of May, in each and every year, commission and appoint five persons, three of whom shall be resident in the city of Philadelphia, one in the Northern-Liberties, and one in the district of Southwark and township of Moyamensing, who shall compose the said board of health, and shall continue in office one year next ensuing the date of their appointment; but not more than two of the said board shall be physicians, they shall receive five hundred dollars each per annum as a compensation for their services, and in case of the death, sickness, resignation, refusal to serve or removal from office of all or any of them, their places shall be supplied by other appointments; out of their own body the board shall choose a president, who shall preside at the meetings of the board, and whose place shall be supplied in his absence by the appointment of a chairman for the time, a secretary, whose duty it shall be to keep fair minutes of all the proceedings, rules and regulations of the board, and a treasurer, who shall give bond with sureties as is required of the county treasurer, who shall receive all monies belonging to the corporation, and pay and disburse the same, upon the order of the board, signed by the president and attested by the secretary, who shall keep fair and just accounts of his receipts and expenditures and make extracts thereof, whenever the board shall require the same, and shall once in every year, his accounts having been allowed by the board, publish the same in one or more newspapers of the city of Philadelphia, and the said board shall sit upon their own adjournment, as they shall find necessary, but shall meet at least once in every day, between the first day of June and fifteenth day of October, in every year; and also when the board shall be specially convened by order of the president or any two of the members; and at all meetings, three members shall form a board to transact business, but a less number may adjourn, and the said board shall have, and hereby is vested with full power and authority to make general rules, orders and regulations, for the government and management of the Lazaretto and the vessels, cargoes and persons there detained, or under quarantine, and of the health-office, and public hospitals, and for the mode of visiting and examining vessels, persons, goods and houses, and shall also have power to appoint such other officers and servants as from time to time shall be found necessary to perform the several duties required by this act, and their future regulations; *Provided*, That such officer shall not hold any office of profit or trust under the United States, and to remove any of the officers or servants by them appointed, and to appoint others in their places, and to allow and pay the said officers and servants so appointed such compensation for their respective services, as the said board shall deem just and proper; and the Governor is hereby

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its style and privileges.

The Governor to appoint, annually, five persons, who are to constitute the board of health,

Not more than two of whom shall be physicians; their compensation, how vacancies are to be supplied; the board to choose a president, secretary and treasurer;

their duties.

Ordinary meetings of the board; special meetings; number necessary to form a board, &c. general powers of the board of health.

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The Govern-
or to appoint
a Lazaretto
Physician,
Port Physi-
cian, health
officer and
quarantine
master;
to be under
the direction
of the board
of health and
removable
by the Go-
vernor at the
request of a
majority of
its members;
privileges al-
lowed the La-
zaretto
physician
and quaran-
tine master.

authorized and required to appoint one physician who shall reside at the Lazaretto and be denominated the Lazaretto Physician, and one physician who shall reside in the city of Philadelphia, and shall be denominated the Port Physician, one health-officer, and one quarantine master, all of whom shall be under the direction and control of the board of health, and may be removed from office by the Governor, at the request of the majority of the members of the board of health; and the said Lazaretto Physician shall be entitled to occupy the house hitherto occupied by the resident physician and to have furnished him pasturage, provender and stabling, for one horse and one cow, and shall also be provided by the board of health, with ground for a garden within the bounds of the Lazaretto, of such extent as the board shall think proper; and the quarantine master shall be entitled to occupy the house hitherto occupied by the quarantine master, and to have furnished him pasturage, provender and stabling, for one horse and one cow, and shall also be provided by the board of health with ground for a garden, within the bounds of the Lazaretto, of such extent as the board shall think proper.

Compensa-
tions of the
Lazaretto
and Port
physicians,
the quaran-
tine master
and health
officer.

SECT. II. *And be it further enacted by the authority aforesaid,* That the health-officer on receiving from the captain or master of any ship or vessel arriving from a foreign port or place, the certificate as hereinafter directed, to be furnished by the Lazaretto physician, and quarantine master or port physician, shall be entitled to receive from such captain or master the sum of six dollars, and no more, of which the Lazaretto physician, shall have three dollars, and the port physician, the quarantine master and health-officer, one dollar each, in full compensation for all services enjoined on them by this act.

The Lazar-
etto and
ground
therewith
reserved and
occupied,
vested in the
board of
health, esta-
blished by
this act,
with power
to erect nec-
essary
buildings,
&c.

SECT. III. *And be it further enacted by the authority aforesaid,* That the building now called the Lazaretto, and the ground therewith reserved and occupied, and all the property and estate of every kind whatsoever, now vested in the present board of health, shall become and be fully vested in the board of health, constituted by this act, immediately and as soon as the same shall be organized for the uses and purposes for which the said board is instituted and established, and the same shall be fully and entirely under the direction and management of the said board, and the said board shall have power to erect such buildings, and to make such inclosures on the lot or tract adjoining the Lazaretto, as to them may seem proper and necessary: *Provided,* That the whole costs of such buildings and inclosures shall not exceed in the whole the unexpended balance of the ten thousand dollars appropriated by the act, entitled, "An act for establishing a health office, and to secure the city and port of Philadelphia, from the introduction of pestilential and contagious diseases."

The cost of
such build-
ings not to
exceed a
given sum.

Duties of
command-
ers on the
arrival of
vessels com-
ing from
foreign ports
bound to the
port of Phi-
ladelphia;

SECT. IV. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, every ship or vessel coming from any foreign port or place bound to the port of Philadelphia, between the first day of June and the first day of October, in every year, shall come to anchor in the river Delaware as near the Lazaretto as the draught of water and the weather will allow, before any part of the cargo or baggage be landed, or any person

who came in such ship or vessel shall leave her, or any person be permitted to go on board, and shall submit to the examination hereinafter directed ; and if any master, commander or pilot shall leave his station before the said Lazaretto, or if any master or commander shall permit or suffer any part of the cargo or baggage, or any person or persons arriving in such ship or vessel from any port beyond the limits of the United States, to be landed on either shore of the Delaware bay or river, or suffer any person except the pilot to come on board before such examination be duly had, and a certificate obtained, as is hereinafter specified, the person or persons so permitting, and the person or persons so landing or going on board, unless imminent danger of the loss of the vessel or lives of the crew shall render assistance necessary, being thereof convicted upon indictment or prosecution, under this act, by verdict, confession or standing mute in any court, having jurisdiction of the offence, shall pay a fine not exceeding five hundred dollars, to be recovered and appropriated as is hereinafter directed ; and it shall be the duty of the Lazaretto physician and quarantine master, so soon as any ship or vessel shall be anchored near the Lazaretto, between sun-rise and sun-set, immediately, wind and weather permitting, to go on board the same, and there thoroughly examine in such form and manner as shall be prescribed by the board of health, the said ship or vessel, the crew, passengers, cargoes and baggage on board the same, and to demand answers under oath or affirmation, to be administered by either the said physician or quarantine master, who are hereby severally empowered to administer the same, to all such questions as shall be put to any person on board such ship or vessel, touching the health of the crew and passengers during the voyage, and the nature and state of the cargo, as the board of health by their rules, shall from time to time direct to be asked ; but it shall be the duty of the person so examining upon oath or affirmation before he shall proceed therein to make known to the person interrogated, the penalty imposed by this act upon the person, who shall give false answers, under oath or affirmation to the questions proposed in such examination ; and if upon such examination it shall appear to the said physician and quarantine master that the said ship or vessel came from a port or place, at which no malignant or contagious disease prevailed at the time of her departure, that the persons on board such ship or vessel are free from every pestilential or contagious disease, (the small pox and measles excepted,) and that the said vessel has had no malignant disease on board either during the homeward bound voyage, or during her continuance in a foreign port, and they shall see no cause to suspect that the cargo or any part thereof is infected, they shall forthwith deliver to the master or captain of such ship or vessel, a certificate of the facts in such form as shall be directed by the board of health, and the said captain or master may thereupon proceed according to his destination, and shall present such certificate at the health-office in Philadelphia, within twenty-four hours after his arrival and safely mooring there ; but if it shall appear upon such examination that the ship or vessel came from a port or place at which a malignant or contagious disease prevailed, such vessel shall be detained

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and penalty
for neglect-
ing the
same.

Lazaretto
physician
and quaran-
tine master,
to visit ves-
sels on their
arrival at
the Lazaret-
to, and exa-
mine the
same, touch-
ing the
health of the
crew, &c.

for which
purpose they
may propose
questions on
oath to any
person on
board, &c.

when they
shall give
certificates
of health ;

which are to
be presented
by captains
at the health
office, with-
in twenty-
four hours
after their
arrival ;

when ves-
sels are to be
detained at
the Lazaret-
to ;

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period of detention, &c.

The vessel and cargo to be cleansed and baggage aired and purified.

Specification of articles that may forthwith be conveyed to the city, in lighters; what vessels, after performing quarantine, may proceed to the city.

Where vessels shall be detained for such further time, as the board of health may deem necessary, &c.

at the Lazaretto for such time as the board of health shall deem necessary, not exceeding twenty days, and the letter bag of the vessel when purified, and such letters as the master, commander or passengers, shall think proper to write to their owners, consignees or friends, shall be transmitted to the health office in Philadelphia, who shall safely deposit the same in the post office, (and the vessel and cargo shall be thoroughly cleansed, and all clothing and baggage shall be aired and purified at the expense of the master, owners or consignees of the vessel, and the goods respectively: *Provided always*, That wine, rum, salt, sugar, spirits, molasses, mahogany, manufactured tobacco, dye-woods, preserved fruits, and such other articles as the board of health shall by their general regulations specify and permit, may be conveyed immediately to the city in lighters, (and at the expiration of the said time, if it shall appear to the said physician and quarantine master, that no person has been sick with a malignant or contagious disease, (the small pox and measles excepted,) on board said ship or vessel either during the voyage homeward, or during her continuance in a foreign port, nor any of the crew or passengers, or other persons from on board such vessel, during the performance of quarantine, and the said physician and quarantine master, shall certify the said facts to the board of health, and that in their opinion the vessel, crew, cargo and passengers, may be safely suffered to proceed to the city, the said captain or master may proceed with the same according to his destination, unless the board of health shall deem it necessary to cause a further detention of the said vessel or cargo, or of the crew or passengers or of any baggage on board said vessel, in which case, the same shall be detained until the board of health, shall authorize the same to proceed and enter the city; and upon the arrival of the said captain or master at Philadelphia, he shall present the said certificate of the physician and quarantine master at the health office, within twenty-four hours after his arrival; but if upon examination of any vessel by the said physician and quarantine master as aforesaid, or during the performance of quarantine by any vessel, it shall appear to the said physician and quarantine master that there has been any person sick on board said vessel, with any malignant or contagious disease, either during the voyage homeward, or during the continuance of the vessel in a foreign port, or during the performance of quarantine at the Lazaretto, (or that any person on board such vessel has been affected with such disease,) then, in such case, the vessel shall be detained such further time, as the board of health may deem necessary, and the cargo and baggage, except such part thereof as in the opinion of the board of health may be supposed incapable of retaining infection, which said part may be transported to the city in lighters, shall unless otherwise ordered and directed by the board of health, be unladen and thoroughly cleansed and purified, and the crew and passengers, which were on board said vessel, and the cargo and baggage on board the same or any part thereof, except as before excepted, shall not be suffered to enter the city before the fifteenth day of October then next ensuing, without the license and permission of the board of health, to that effect first had and obtained: *Provided nevertheless*, That such

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ship or vessel after she shall have been thoroughly cleansed and purified, if no malignant disease appear on board, may be allowed to take in freight at the Lazaretto by means of lighters, and proceed to sea; and if any master or captain or other person on board of any vessel, which shall be examined agreeably to this law, shall not true answers make to all such questions as the Lazaretto physician and quarantine master, or the said health officer or port physician, shall ask agreeably to this act or the rules, (heretofore established or) which shall from time to time be established by the board of health, or shall knowingly deceive or attempt to deceive the proper officers as aforesaid, in his answers to their official enquiries, he having been duly informed and apprised of the penalties imposed by this act, upon the person so offending previous to his said examination by the person making such examination, such person for each and every offence on being thereof legally convicted, shall forfeit and pay a sum not exceeding five hundred dollars, to be recovered and appropriated as is hereinafter provided and directed, and moreover shall be sentenced to imprisonment at hard labour, for any term not less than one year, and not exceeding five years; and if any captain or master of any ship or vessel, shall neglect to present his certificate at the health-office in any case, in which he is herein before directed so to do within the time directed by this act, he shall forfeit and pay the sum of three hundred dollars, to be recovered and appropriated as is hereinafter directed; and if any captain or master of any ship or vessel, or any other person on board the same, shall refuse or neglect to comply with the directions of the Lazaretto physician and quarantine master, which shall be made agreeably to this act, or the regulations of the board of health with respect to the detention of any ship or vessel, or the landing from on board the same of any person or persons, or of any goods, merchandise, bedding, baggage or clothing, or shall refuse to carry the same into effect, such person for each and every such offence, shall forfeit and pay a sum not exceeding five hundred dollars, nor less than two hundred dollars, to be recovered and appropriated as is hereinafter provided and directed.

SECT. V. *And be it further enacted by the authority aforesaid,* That any ship or vessel coming from any port or place within the United States, at which port or place the said ship or vessel had only called in or touched upon her arrival from a foreign port or place, shall be liable and subject to all the rules, regulations and restrictions of the preceding sections of this act, and shall be examined and treated as well the vessel itself, as the cargo, crew, passengers and baggage on board in the same manner, as if such ship or vessel had directly arrived at the Lazaretto from a foreign port or place, without having first touched at a port or place within the United States; and all ships or vessels, as well vessels of war as merchant vessels, coming from any port or place within the United States, and bound to the port of Philadelphia, between the first day of June and first day of October in every year, and having on board any goods or merchandise, the growth or produce of any foreign place or country, or any person or persons, bedding or clothing from any foreign port or place, shall come to anchor opposite the said

Proviso that such vessels after being cleansed and no malignant disease appearing on board, may take in freight and proceed to sea.

Penalty on captains or other persons giving false answers to questions proposed, by the Lazaretto physician, &c.

Penalty on masters neglecting to present their certificates, at the health office;

or to comply with the directions of the Lazaretto physician, &c.

Regulations in respect to vessels arriving from ports, at the Lazaretto, after having touched at some other port within the United States.

In respect to vessels arriving from any place within the United States, between the first of June and October, having on

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board mer-
chandise of
foreign
growth, &c

Lazaretto, and shall be examined by the Lazaretto physician and quarantine master; and if the captain or master of any such ship or vessel, shall produce such satisfactory proof as the board of health shall in that case direct to be required, that the said goods or merchandise, shall have been landed in the United States more than thirty days, and are free from damage, and that the said vessel, bedding, clothing and persons are free from the infection of any dangerous contagious disease, (the small-pox and measles excepted,) then, and in that case, the said physician and quarantine master, shall give to the captain or master of such ship or vessel a certificate of the facts, permitting such ship or vessel to proceed to the city, which certificate the said captain or master shall present at the health-office in Philadelphia, within twenty-four hours after his arrival and safely mooring there: and if he should neglect so to do being thereof legally convicted under this act, he shall be sentenced to pay a fine of two hundred dollars, to be recovered and appropriated as is hereinafter directed and provided; and if the said captain or master shall fail to produce such satisfactory proof as aforesaid, of the wholesome state of the said vessel, goods, merchandise, bedding, clothing and persons, the said vessel, goods, merchandise, bedding, clothing and persons, shall be detained at the Lazaretto, and shall be proceeded with in the same manner, and subject to the same orders and regulations as are herein before provided and directed, in the case of vessels coming directly from a foreign port or place; and if the captain or master of any ship or vessel coming from any port or place within the United States, and bound to the port of Philadelphia, having on board any goods or merchandise, bedding, clothing or persons as aforesaid, shall refuse or neglect to come to anchor opposite the Lazaretto, and shall pass the same, with intent to proceed to the city without examination by, and certificate obtained from the said physician and quarantine master as aforesaid, he shall on conviction forfeit and pay the sum of five hundred dollars, to be recovered and appropriated as is hereinafter provided and directed, and the said vessel, goods, merchandise, bedding, clothing and persons, shall be sent back to the Lazaretto, there to be proceeded with in such manner as the board of health agreeably to this act, shall in that case devise and direct.

Regulations,
in case of the
arrival of
vessels com-
ing from the
Mediterra-
nean.

SECT. VI. *And be it further enacted by the authority aforesaid,* That every ship or vessel coming from the Mediterranean, shall be subject to a strict examination, under similar regulations and penalties, as are provided in the fourth section of this act; and if it appears that the said ship or vessel came from any place where the plague existed at the time of her departure, or has spoken with any vessel on board of which any person was affected with the plague, or if any person is affected with said disease on his arrival at the Lazaretto, or has been affected during the voyage, the said vessel shall not be suffered to proceed to the city, the cargo and baggage shall be unloaded and thoroughly cleansed and purified, and no part shall be suffered to enter the city without the permission of the board of health first obtained, and the crew and passengers, shall perform a quarantine of twenty days: *Provided nevertheless,* That such ship or vessel after she shall have been thoroughly cleansed and

purified, may be allowed to take in freight at the Lazaretto, by means of lighters, and proceed to sea. 1806.

SECT. VII. *And be it further enacted by the authority aforesaid,* That any person or persons and all goods, merchandise, bedding, and clothing arriving at any port or place within the United States, from any foreign port or place, at which any malignant or contagious disease (the small pox and measles excepted,) prevailed at the time of their departure, or in any vessel in which any such disease existed while they were on board the same, are hereby prohibited from entering the city or county of Philadelphia, or the county of Delaware, except the township of Tinicum, at any time between the first day of June and the first day of October in any year, either by land or water, without permission of the board of health first had and obtained, under the penalty of five hundred dollars, for each and every offence, and the forfeiture of all such goods, merchandise, bedding or clothing, to be recovered and appropriated as is herein-after directed, and that all goods, wares, bedding, clothing, and merchandise, seamen or passengers, landed from on board any ship or vessel belonging to the port of Philadelphia, at any other port of the United States, shall be subject to perform thirty days quarantine, previously to entering the city or county of Philadelphia, under the same penalty as in the fifth section, without permission first obtained from the board of health.

Persons, &c. arriving from any foreign port or place infected with malignant disease, prohibited from entering the city or county of Philadelphia or county of Delaware, except the township of Tinicum, between the first of June and October, without permission of the board of health, &c.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That no person or persons, goods, wares, merchandise, bedding or clothing from any port or place, at which any malignant or contagious disease, (the small-pox and measles excepted,) prevailed at the time of their departure, or from on board any vessel in which any such disease existed while they were on board, shall enter or be brought into the city or county of Philadelphia, at any time, between the first day of June and the first day of October in any year, by land or water without the permission of the board of health first had and obtained, under the penalty of any sum, not exceeding five hundred dollars, for each and every such offence, and the forfeiture of all such goods, wares, merchandise, bedding and clothing, to be recovered and appropriated as directed by the twenty-first section of this act.

No person, &c. from any port infected, &c. to be admitted into Philadelphia, &c. without permission of the board of health.

SECT. IX. *And be it further enacted by the authority aforesaid,* That whenever the board of health shall receive information that any malignant or contagious disease, (the small-pox and measles excepted,) prevails in any port or place within the United States, or on the continent of America, they shall make diligent enquiry concerning the same; and if it shall appear that the disease prevails as aforesaid, all communication with such infected port or place, shall be subject to such controul and regulations as the board of health may from time to time think proper to direct, and publish in one or more newspapers published in the city of Philadelphia, and thereupon every person or persons, and all goods, wares, merchandise, bedding and clothing from such infected port or place, and having entered and been brought into the city and county of Philadelphia, contrary to such regulations, shall be subject to the penalties and forfeitures, provided by the next preceding section of this

Duty and powers of the board of health on receiving information of the existence of any contagious disease, within the United States, or continent of America.

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act, and all vessels from such port or place, and bound to the port of Philadelphia, shall stop at the Lazaretto, and be proceeded with in the same manner, and under the same penalties and forfeitures, as are provided in cases of vessels coming from foreign ports, and every person or persons having entered or been brought into the city or county of Philadelphia, from such infected port or place aforesaid, shall also be conveyed by any person authorized by the board to such place for purification, as the said board may appoint or direct for that purpose, and be there detained at the pleasure of the board, any time not exceeding twenty days, and at the expense of such person or persons; and if the said board shall have cause to suspect that any person or persons at the time, within the city and county of Philadelphia, have been at such infected port or place within fifteen days since such disease prevailed at such port or place next preceding, the said board may lawfully require such person or persons, to render satisfactory proof of their place or places of abode, during the said period; and if such person or persons neglect or refuse to render such proof or fail in proving their residence other than at such infected port or place, every such person shall be dealt with by purification and detention, as persons coming from such infected port or place.

Lazaretto physician, quarantine master, &c. not to absent themselves from the place of their duty between the first of June and October without leave, &c.

SECT. X. *And be it further enacted by the authority aforesaid,* That no Lazaretto physician, quarantine master or other officer or servant of the said Lazaretto, shall absent himself from the place of his duty, between the first day of June and the first day of October, on any pretence whatsoever, for any time without leave first obtained in writing from the board of health, under the hand of the president or chairman, for the time attested by the secretary, and entered on the minutes, under the penalty of forfeiting his office, and a fine of any sum not exceeding five hundred dollars.

Duties of the Lazaretto physician, in relation to the sick that may be on board any vessel liable to quarantine.

SECT. XI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Lazaretto physician immediately on the arrival of any ship or vessel, liable to be detained at the Lazaretto, in order to be cleansed and purified as aforesaid, to cause the sick if any on board to be removed to the building, which shall be appointed by the board of health, for their reception, and diligently and impartially with his best skill to attend upon and administer medical assistance to each and every sick person that shall be therein lodged, and generally superintend and cause to be executed such orders and regulations, as the said board shall from time to time ordain, for the government and management of the Lazaretto, and of the vessels, cargoes, and persons under quarantine.

Of the quarantine master, in respect to the mooring of such vessels, landing and airing the bedding, &c. therein contained:

SECT. XII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the quarantine master immediately after the arrival and examination as aforesaid, of any ship or vessel liable to be detained at the Lazaretto for purification aforesaid, to direct and cause such ship or vessel to be properly moored near the Lazaretto, at such distance from any other vessel or vessels under quarantine, as may prevent the communication of any infectious disease to or from the same, and the cargo, bedding and clothing, or any part thereof contained in such ship or vessel to be landed, cleansed and purified, under the direction of the Lazaretto physician; and

it shall be the particular duty of the said quarantine master, to prevent any personal intercourse between the persons on board different vessels under quarantine, and for that purpose to take possession of and secure the boats of such vessels, until their respective terms of quarantine shall be completed, to preserve and enforce order and obedience to this act, and all such orders and regulations as the board of health, shall from time to time ordain, for the government and management of the Lazaretto, and the persons, vessels, and cargoes under quarantine.

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And preventing intercourse between persons on board of different vessels.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the port physician upon receiving information from the health officer, or other person whomsoever, that any person or persons on board of any ship or vessel in the port of Philadelphia, is or are afflicted or suspected to be afflicted with any pestilential or contagious disease, or that there is just cause to suspect the cargo or any part thereof contained, in any such ship or vessel is infected with any such disease, the said physician in either of the foregoing cases, shall visit and carefully examine such ship or vessel, and if he shall discover any sick person or persons on board any such ship or vessel, he shall thereupon have and exercise the authority to direct such sick person or persons to be removed to the said Lazaretto, or to some other safe place, which may be specified by the board of health, and said physician shall without delay, report the state of said vessel, cargo, and crew to the board of health, who shall direct and determine how the crew, passengers, vessel and cargo, shall be disposed of and managed for the restoration of their health and purification; and on the arrival of any ship or vessel in the port of Philadelphia, from any foreign port or place, from the first day of October in any year, to the first day of June in the next succeeding year, it shall be the duty of the said physician, *provided*, such ship or vessel shall not have been previously visited and examined by the physician resident at the Lazaretto, and quarantine master, and before any of the passengers, crew, cargo, or baggage, are landed, to visit and carefully examine such ship or vessel, in manner and form, as the said Lazaretto physician and quarantine master are bound to do, and to demand answers under oath or affirmation, to be administered by the said port physician, who is hereby empowered to administer the same; and if the crew, passengers, vessel, and cargo, be in a healthy state, and if there shall be no ground to suspect that any of the crew or passengers have died in the voyage of any dangerous contagious disease, (the small-pox and measles excepted,) or that the cargo, bedding or clothing is infected, then, and in such case, the said physician shall give to the master or commander, a certificate of the facts, which the said master or commander, shall present at the health-office, within twenty-four hours after such examination; and if he shall neglect so to do being thereof legally convicted under this act, he shall be sentenced to pay a fine of two hundred dollars, to be recovered and appropriated as is hereinafter provided and directed; and if on examination any suspicion shall arise in the mind of the said physician, touching the health of the crew or passengers or the infectious state of the vessel, cargo, bedding, or clothing on board,

Duty and powers of the port physician on receiving information that any vessel is infected or supposed to be infected by contagious disease.

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no part thereof shall be landed, but the said physician shall immediately report the same to the board of health, who shall direct and determine what measure shall be pursued relative thereto, and the said physician, upon request of the health officer, or the board of health shall from time to time visit and examine such houses and persons as the said board or the health officer shall have reason to suspect, are infected with any dangerous contagious disease, and make report thereof to the said health officer.

Duty of the health officer to keep an office in the city; business to be transacted thereat;

to file bills of health and register arrivals;

purport of the register;

to attend the meetings of the board of health; to execute the instructions of the board, &c.

Patients to be kept and maintained at the Lazaretto till discharged;

proceedings and penalty on eloping;

penalty on masters or house-keep-

SECT. XIV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the health officer at seasonable and proper hours on each day (Sundays excepted,) to open and keep a public office at such convenient place in the city of Philadelphia, as shall be directed by the board of health, whereat all masters or captains of ships or vessels, shall deliver the certificates or bills of health to them granted by the Lazaretto physician and quarantine master or port physician as aforesaid; and the board of health shall there assemble and meet as often as they deem needful for the purpose of executing the duties and trust of their appointment; and the said health officer shall file and preserve in good order all the certificates or bills of health so delivered, and shall keep a register of the ships or vessels, and the names of the captains or masters, owners or consignees, for which the same were respectively granted, the port or ports from which the ship or vessel respectively sailed, or at which they touched, during their respective voyages, and the number of persons on board thereof respectively, at the time of their leaving their respective ports of departure, and also at the time of their arrival respectively at the port of Philadelphia, and the said health officer shall attend the health-office at the meetings of the board of health, and at such other times as shall be required for discharging the duties of his appointment, and generally enforce and execute the regulations and instructions of the board of health, and it shall be the duty of the said health-officer to collect, recover and receive all forfeitures and penalties imposed, and sums of money directed to be paid by this act.

SECT. XV. *And be it further enacted by the authority aforesaid,* That every diseased person duly landed or sent to the Lazaretto, by either of the aforesaid physicians, quarantine master, or the health-officer, shall be there kept and maintained until the Lazaretto physician shall grant him or her a discharge in writing, and if before obtaining a discharge as aforesaid, any such person shall elope or otherwise absent himself or herself from the Lazaretto, it shall be lawful for the health-officer or any constable or other person whom he shall call to his assistance, and they are hereby enjoined and required to lend such assistance, to pursue and apprehend the person so escaping or absenting himself or herself from the Lazaretto, and there again deliver him or her to be detained until he or she be duly discharged as aforesaid, and moreover the person so eloping or absenting himself or herself, shall for each and every offence, forfeit and pay the sum of one hundred dollars, or suffer such other punishment by confinement, not exceeding three months, as the board of health shall ordain and award; and if any master or captain shall knowingly receive or employ on board of his ship or ves-

sel; or if any house-keeper or other inhabitant of this commonwealth, shall knowingly receive, harbour, or in any way entertain any person so eloping or absenting from the Lazaretto, each and every master and captain, and each and every house-keeper or inhabitant so respectively offending, shall on being thereof legally convicted, forfeit and pay a sum of two hundred dollars; and if any person arriving in or belonging to any ship or vessel detained at the Lazaretto as aforesaid, shall elope or absent himself without having first obtained a discharge signed by the Lazaretto physician and quarantine master; or if any person other than those detained at the Lazaretto as aforesaid, shall go on board or along side of any ship or vessel whilst under quarantine as aforesaid, or if any person not authorized by the proper officer, shall go within the limits of the Lazaretto, such person or persons shall perform such quarantine as the board of health may direct, the person so offending upon legal conviction of such offence, shall forfeit and pay the sum of two hundred dollars, to be recovered and appropriated as hereinafter directed; and if any diseased or other person landed and sent to the Lazaretto, by any officer having authority to do the same, or any person arriving in or belonging to any ship or vessel detained at the Lazaretto as aforesaid, shall refuse or neglect to obey the directions of the Lazaretto physician or quarantine master respectively, agreeably to this act, and the order and regulations by the board of health, which shall from time to time be ordained and established, for the government and management of the Lazaretto, and the persons, vessels, and cargoes under quarantine, the person so refusing or neglecting, shall for each and every offence on being thereof legally convicted, forfeit and pay the sum of two hundred dollars, to be recovered and appropriated as is herein after directed.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That when any vessel shall come up to the city of Philadelphia, or the shore of Southwark or the Northern-Liberties, although the said vessel may have obtained a certificate of health from the Lazaretto physician and quarantine master or the port physician, if the said vessel shall appear to the board of health, to be infected with any contagious disorder dangerous to the community, the said board are hereby authorized to order the said vessel to the Lazaretto, there to undergo the necessary purification before she will be permitted to return to the city or shores aforesaid; and the said board are hereby authorized and empowered to remove any vessel or vessels from any part of the city or shores aforesaid, as shall be infected with such disorders as aforesaid, to such convenient distance as they may deem proper, although such vessel may not be infected.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That whenever by means aforesaid, or by the report of the port physician, or any other physician appointed by the board of health, (whom the said board are hereby authorized to send to places or houses suspected to be infected,) it shall come to the knowledge of the said board, that any person within the city of Philadelphia, the district of Southwark, the townships of the Northern-Liberties or Moyamensing, is afflicted with any contagious disease, dangerous to the community, it shall and may be lawful for the said board to

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ers harbour-
ing such run-
aways.

Penalty on
persons be-
longing to
any vessel
detained at
the Lazaret-
to, eloping
without ob-
taining a dis-
charge.
On persons
not authoriz-
ed, going
within the
limits of the
Lazaretto.

On patients,
&c, at the
Lazaretto
not obeying
the direc-
tions of the
Lazaretto
physician,
&c.

Vessels com-
ing to Phila-
delphia with
a certificate
of health,
may be re-
manded on
suspicion,

and vessels
may be re-
moved from
an infected
part of the
shores.

The board of
health au-
thorized to
prevent all
communica-
tion with
infected
houses or fa-
milies, other
than by
means of
physicians,
nurses, &c.

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take orders for preventing the spreading of the contagion, by forbidding and preventing all communication with the infected house or family, except by means of physicians, nurses or messengers, to convey the necessary advice, medicines and provisions to the afflicted, and shall exercise all such other powers as the circumstances of the case shall require, and as shall in their judgment be most conducive to the public good with the least private injury.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That no pilot bringing a ship or vessel to the Lazaretto, in an apparent state of good health, shall be obliged to perform quarantine, but the Lazaretto physician shall grant such pilot a certificate permitting him to proceed to the cape of Delaware, in order that he may prosecute his profession, but such pilot shall not on any pretence come into the city of Philadelphia, the Northern-Liberties, the district of Southwark or township of Moyamensing, for twenty days from the date of such certificate, under the penalty of one hundred dollars, and also of one year imprisonment, which penalty shall be recovered and applied in the manner herein after directed, and any pilot bringing to the said Lazaretto a ship or vessel infected or supposed to be infected with any pestilential or contagious disease, may be permitted to go and remain on shore within the bounds of the Lazaretto, during the time the ship or vessel brought thither, shall be detained under quarantine: *Provided always,* That if the said vessel shall be infected with any such disease as aforesaid, he shall be detained and treated in the like manner as seamen or passengers so infected are herein directed to be detained and treated: *And provided further,* That if he shall go without the bounds of the Lazaretto, he shall be liable to the same penalties as are by this act imposed on seamen or passengers escaping therefrom.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That the messuages and lots commonly called the city hospital, situate on the north side of Sassafras-street, and east side of the river Schuylkill, shall continue to be held as a public hospital, for the townships of the Northern-Liberties and Moyamensing, as well as for the city and district of Southwark, until the board of health shall procure and provide a more convenient public hospital for the purpose aforesaid, and all persons other than persons on board of any ship or vessel and liable to be sent as aforesaid to the Lazaretto, residing within the city of Philadelphia, the district of Southwark, the townships of the Northern-Liberties and Moyamensing, who shall be afflicted with any pestilential or contagious disease, (the small-pox and measles excepted,) may upon the advice and order of the port physician or any other physician or person authorized by the board of health to grant such order, be removed by the health-officer, and such assistance as he shall for that purpose employ, to the said public hospital, or to such other place as the physician or board of health shall approve, if the person afflicted with any contagious or pestilential disease cannot be properly and sufficiently attended at home, there to be lodged, nursed and maintained and kept until duly discharged by a permit in writing, signed by a physician of the said public hospital: *Provided always nevertheless,* That each and every patient, and his and her estate real and personal, shall

Pilots bringing up vessels, apparently healthy, not liable to quarantine;

if they bring suspected vessels, they may land at the Lazaretto, &c.

Proviso in case the vessels are infected.

The city hospital to continue a public hospital, &c.

persons afflicted with a contagious disease, in the city and suburbs, to be removed and maintained there.

The expenses incurred, how to be discharged.

be liable to pay, satisfy and reimburse all the charges and expenses on his or her account incurred in the said public hospital, unless the board of health award that he or she shall be exonerated or exempted therefrom.

SECT. XX. *And be it further enacted by the authority aforesaid,* That whenever the said board of health, shall receive information that any contagious disease rages in any port or place within the United States, or on the continent of America, they shall make diligent enquiry concerning the same, and it shall and may be lawful for the said board, to prohibit and to prevent all communication by land and water with such infected ports or places, by stopping all vessels coming into the port of Philadelphia, and at, and before the Lazaretto, in the same manner, and under the same penalties and forfeitures, as are hereby provided in case of vessels coming from foreign ports, and by stopping all persons coming from said infected places, in such manner as the circumstances and exigencies of the case shall require; and the said board of health are hereby authorized and required, whenever a fever of a contagious nature, shall appear in any part of the city of Philadelphia, the district of Southwark, or the townships of the Northern-Liberties, or Moyamensing, to adopt without delay such prompt measures as will effectually prevent communication, between the part or parts so infected, and any other part of the city, district or townships, and all judges, justices, sheriffs, constables, and other civil officers and citizens of this state, are hereby authorized and empowered, enjoined and required to aid and assist the said board and their officers to the utmost of their power in carrying into effect such rules, orders, and regulations, touching the stoppage of such intercourse or the removal of the infected, when they cannot properly be attended to at home, as the board shall order and publish.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That every person keeping a boarding or lodging house in the city of Philadelphia, the district of Southwark, or the townships of Moyamensing, or the Northern Liberties, between the first day of June and the first day of November in any year, shall within twelve hours after any seafaring man or sojourner shall become sick in such boarding or lodging house, report in writing the name of such diseased person to the health-officer; and that no master of a vessel or other person whatever, shall remove any sick person from any vessel lying in the river Delaware, before the city of Philadelphia, the district of Southwark, or the township of the Northern Liberties, before the name of such sick person has been reported to the health-office, and a written permit granted for the purpose of such removal, and any person neglecting or refusing to comply with either of these directions, shall be subject on conviction thereof, to a fine of one hundred dollars, and shall also be sentenced to imprisonment at hard labour, for a term not exceeding six months.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That every person practising physic in the city, district or townships aforesaid, who shall have a patient, labouring under a pestilential or contagious disease (small-pox and measles excepted,) shall forthwith make a report in writing to the health-officer, and for ne-

1806.

Proceedings in case a contagious disease rages in any part of the United States.

Communication with infected parts of the city, &c. how to be stopped,

The keepers of boarding houses to give immediate notice to the health-officer, of any seafaring man or sojourner becoming sick in their houses. Diseased persons not to be removed from any vessel, &c. until notice has been given, &c.

Practising physicians to report to the health-officer all cases of contagious diseases coming under their im-

1806.

glecting so to do, he shall be considered guilty of a misdemeanor, and subject to a fine not exceeding fifty dollars.

mediate notice.
Duty enjoined on physicians, or surgeons, sextons of churches, &c.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That whenever any person shall die in the city, district or townships aforesaid, the physician or surgeon who shall have attended such person as a physician or surgeon, during his or her last sickness, shall leave a note in writing, signed with his name with some one of the family in the house, where such person shall have died, specifying the name and apparent age of the deceased, and the disease of which he or she shall have died, and every physician or surgeon refusing or neglecting to make and deliver such note, shall forfeit the sum of five dollars; and that no sexton of any church or other person having charge of any cemetery, vault or burying ground in the city, district or townships aforesaid, shall permit any dead body to be interred therein, until he has received such note in writing, so signed as aforesaid, or in case no physician or surgeon shall have attended such diseased person, or the physician or surgeon who did attend, shall have neglected or refused to leave such note, then a like note signed by some of the family, in which such person shall have died, the contents of which note in writing, shall be entered by such sexton on a blank schedule, to be furnished by the clerk of the health-office, or such other person as the board of health direct and delivered together with the said schedule on the Saturday in every week to the health officer for publication, in such form as may be designated by the board of health, and that every sexton or other person having charge of any place of interment, neglecting or refusing to perform any of the duties required by this act, shall forfeit the sum of twenty-five dollars.

Provision for cleansing the city and suburbs.

SECT. XXIV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said board of health, to cause all offensive or putrid substances and all nuisances, which may have a tendency in their opinion to endanger the health of the citizens, to be removed from the streets, lanes, alleys, highways, wharves, docks or any other part or parts of the city of Philadelphia, the district of Southwark, and the townships of the Northern Liberties and Moyamensing, and to cause such of the privies within the limits aforesaid, to be emptied or corrected with lime, or otherwise, at the expense of the individuals who are owners of the houses, to which the said privies are appurtenant as the said board shall from time to time deem necessary, for the health of the inhabitants thereof; and if the owners or occupiers of the premises on which any nuisance may be found, shall on due notice thereof refuse or neglect to have the same immediately removed as aforesaid, he, she or they so refusing or neglecting, shall forfeit and pay for every such offence, any sum not less than twenty, nor more than two hundred dollars, to be recovered and appropriated as by this act directed.

Penalty on the owners of property refusing or neglecting to remove nuisances therefrom.

Penalty for obstructing or resisting the board of health or its officers, &c.

SECT. XXV. *And be it further enacted by the authority aforesaid,* That if any person shall obstruct or resist the board of health, or any of the members thereof, or any person by them appointed in the execution of the powers to them given, or in performance of duties enjoined on them by this act, and the rules and regulations of the said board, such person shall on being thereof legally convict-

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ed, forfeit and pay a sum not exceeding five hundred dollars, to be recovered and appropriated as is herein-after directed ; and if after the expiration of the quarantine, any mariner or other person, who shall have complied with the regulations hereby established, shall commit any violence on the person of a member of the board of health, or any of the officers attached to the same for any thing done in the execution of his duty, such person shall be subject on conviction thereof, to a fine of two hundred dollars, and shall also be sentenced to imprisonment at hard labour, for any term not exceeding three years.

SECT. XXVI. *And be it further enacted by the authority aforesaid,* That for payment and satisfaction of all forfeitures and penalties, which are imposed by this act, and all sums of money directed by this act to be paid, it shall be the duty of the health-officer, to sue and prosecute and the same to collect, recover and receive, and the same shall be recoverable before any alderman, justice of the peace or court of justice, having lawful jurisdiction to the amount of such forfeitures, penalties and sums of money respectively, or in the case, or upon the offence upon which the proceeding shall be had, and the same when recovered and received, shall be appropriated and shall inure to the use of the institution, under the management and direction of the board of health, and no citizen or inhabitant of the city of Philadelphia, the district of Southwark, or the townships of the Northern Liberties, or Moyamensing, shall be disqualified from sitting as judges or jurors, or from giving testimony respecting any of the offences mentioned in this act by reason of his, her or their common interest in the appropriation of the sum or penalties imposed for such offence ; nor shall any member of the board of health or any officer entrusted with the execution of this act, or any part thereof, be disqualified from giving testimony respecting any of the said offences.

Penalties,
forfeitures,
&c. accruing
by virtue of
this act, how
to be recover-
ed.

how appro-
priated, &c.

SECT. XXVII. *And be it further enacted by the authority aforesaid,* That all actions or prosecutions to be commenced against any master, captain, owner or consignee, of any ship or vessel, or other person by virtue of this act, shall be brought within twelve months next after the commission of the offence, wherewith he is charged ; and if any action or suit shall be commenced against any person or persons for any matter or thing committed in violation of this act, the defendant or defendants may plead the general issue, and give this act and the special matters in evidence, at any trial to be had thereupon.

Limitation
of time for
bringing ac-
tions.

SECT. XXVIII. *And be it further enacted by the authority aforesaid,* That for defraying the expenses to be incurred in erecting and supporting the said Lazaretto, and for carrying into complete effect the other provisions contained in this act, the said board of health are hereby authorized and empowered by and with the consent of the mayor or recorder, two aldermen and two justices as aforesaid, to levy and collect by tax on the estates and inhabitants of the city of Philadelphia, the district of Southwark, and townships of the Northern Liberties and Moyamensing, in the same manner, at the same rates and under the same regulations, as the county rates and levies are or may be by law levied and collected, such sums annually, as

Fund to be
raised for
the purposes
of this act.

1806: the said board by and with the consent of the mayor or recorder, two aldermen and two justices as aforesaid, shall deem necessary for the use of the said institution : *Provided*, The same does not exceed the sum of forty thousand dollars ; and the said board of health are hereby authorized and empowered, to borrow upon the credit of the taxes aforesaid, such sum or sums of money as may be thought necessary for the benefit of the said institution.

Accounts of the institution to be reported to the governor and published.

SECT. XXIX. *And be it further enacted by the authority aforesaid*, That any time between the fifteenth and twenty-fifth days of December yearly and every year hereafter, the board of health shall report to the Governor the amount of taxes, which may be levied, the monies received and the monies expended in pursuance of this act, and generally an exact and circumstantial account of the institution, and shall publish the same in one or more newspapers, printed in the city of Philadelphia.

The present health officers to continue till the first day of May.

SECT. XXX. *And be it further enacted by the authority aforesaid*, That the present board of health, hospital physician, Lazaretto physician and quarantine master, shall continue until the first day of May next, to possess and enjoy all the powers, privileges and immunities, to perform the same duties, and to receive the same compensation, and to be subject to the like rules as if this act had not been passed, and the acts which are hereby repealed, continued in force until that time.

Repeal of former laws.

SECT. XXXI. *And be it further enacted by the authority aforesaid*, That the act, entitled, "An act for establishing a health office, and to secure the city and port of Philadelphia, from the introduction of pestilential and contagious diseases ;" and the act, entitled "A supplement to the act, entitled "An act for establishing a health office, and to secure the city and port of Philadelphia, from the introduction of pestilential and contagious diseases," be, and the same are hereby repealed : *Provided nevertheless*, That all actions, prosecutions or other proceedings begun, all rights accruing, and all penalties incurred under the said acts, shall be carried on, prosecuted, vested in, sued for and recovered by the board of health, established by this act in all respects, as if the said acts had not been repealed and appropriated as is directed by this act.

Proviso as to prosecutions pending.

Limitation of the act.

SECT. XXXII. *And be it further enacted by the authority aforesaid*, That this act shall continue in force for five years, and from thence to the end of the next session of the General Assembly and no longer.

Passed 17th March, 1806.—Recorded in Law Book No. X. page 307.

CHAPTER MMDCLXXI.

An ACT regulating the powers of the Justices of the Peace, in cases of assault and battery.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That*

from and after the first day of July next, any Justice of the Peace, 1806.
 before whom a complaint or charge may be made for an assault and battery, or for an assault only, either before or after recognizance has been entered for the appearance of the defendant or defendants, before the next Court of Quarter Sessions, the said justice shall have power, and he is hereby authorized and enjoined at the mutual request of the complainant or complainants, and the defendant or defendants in any complaint or charge as aforesaid, to dismiss the same, making a record thereof in his docket, together with the agreement aforesaid, which agreement shall be signed by the complainant or complainants, as well as the defendant or defendants, in such complaint or charge; and for entering of such record, said justice shall receive from the parties, twenty-five cents, and no fee shall be demanded of said justice, by any officer of this commonwealth on account of settling any such dispute or complaint as aforesaid: *Provided*, The said justice shall be fully satisfied that the settlement of such complaint or charge will not injure the safety of the citizens or the peace of society.

Justices of the Peace, before whom complaints have been made, in cases of assault and battery, authorized to dismiss the same, on the application and with the consent of the parties, complainants and defendants.

Compensation for such service.

Passed 17th March, 1806.—Recorded in Law Book No. X. page 324.

CHAPTER MMDCLXXIII.

An ACT to extend to certain turnpike companies therein mentioned, the same powers, rights, and privileges, that are now possessed by the president, managers and company, of the Philadelphia and Lancaster turnpike road.

[For the Philadelphia and Lancaster turnpike road act and supplement, see vol. 3, p. 82, 329, 392, 470; and see the general index. And see the index in this volume, title "Turnpike," for a reference to the laws referred to in this act.]

WHEREAS experience has discovered sundry defects in several of the acts authorizing the Governor of the commonwealth, to incorporate companies for the purpose of making artificial or turnpike roads, and it is expedient that they should be amended, and the said acts rendered more uniform: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the president, managers and company, of the Germantown and Perkiomen turnpike road, the Cheltenham and Willow Grove turnpike company, the president, managers and company, of the Bustleton and Smithfield turnpike road, the Chesnut-hill and Spring-house turnpike company, and the president, managers and company, of the Frankford and Bristol turnpike road, shall be entitled to receive tolls in the same manner and on the same principles as the president, managers and company, of the Philadelphia and Lancaster turnpike road, are at this time by law entitled to receive, except that the relative rates of toll on carriages as the same are mentioned in the several acts, to which this is a supplement, shall not be changed, and all fractional parts of toll not answering to any denomination of coin in circulation, the said companies shall nevertheless be entitled to receive for the same, the next highest denomination of coin, and that teams hauling blocks of marble; and drawn by more than five horses, shall be sub-

The companies mentioned, placed on the same footing, as to the manner and principles of receiving tolls, with the company of the Philadelphia and Lancaster turnpike road.

But to be no change in the rates of tolls, &c.

What teams shall be subject to double toll.

1806. ject to double tolls: *Provided*, That the said companies respectively, shall not have the benefits of this act, unless they relinquish their right of taking tolls from any person, when passing from one part of his or her farm to the other along the said road.

Repealing
clause.

SECT. II. *And be it further enacted by the authority aforesaid*, That so much of each and every of the incorporating acts of the before recited companies, as subjects them severally to a penalty for receiving toll in advance, and as is hereby further altered and supplied, shall be, and the same is hereby repealed. (s)

Passed 17th March, 1806.—Recorded in Law Book No. X. page 325.

(s) By an act passed 4th April, 1807, (chap. 2802,) no gate keeper, or toll-gatherer, of any incorporated turnpike company, shall, at any gate fixed, or to be fixed, on any such road, knowingly and wilfully, take or receive from any person or persons, passing through the same, a greater toll in advance, than shall be in proportion to the distance such person or persons shall travel or pass on said road between such gate, and the gate next thereto, under the penalty of ten dollars for every such offence, to be recovered to, and for the use of the party aggrieved; and if any person or persons shall defraud any such company, by travelling or using such road for a greater distance than in proportion to the toll, he, she or they shall have paid at any such gate, such person or persons so offending, shall forfeit and pay, for the use of the proper company, for every such offence, the sum of ten dollars, to be recovered in like manner as other penalties in the proper act of incorporation, upon due proof thereof, are recoverable.

On the construction of the *proviso* in the first section of the act in the text, the following case has occurred.

The Commonwealth v. Garmalt.

The defendant was indicted in the Quarter Sessions of *Montgomery*, for having, by colour of being gate-keeper of the Chesnut-hill and Spring-house Turnpike Company, unlawfully demanded and received of one *Aaron Keyser*, the sum of four cents, for opening the gate of the said company, and permitting him to pass with a sled and two horses.

Upon the trial of the indictment before the Chief Justice, on the *Montgomery* circuit, in June, 1808, the jury found a special verdict to the following effect: That *Keyser* resided in *Flourtown*, on the Chesnut-hill and Spring-house Turnpike Road, and had there six acres of ground which he farmed; that he had another lot of ten acres at the distance of a quarter of a mile from his

residence, and about sixty rods from the turnpike road, which he also farmed, on which there was no building but a hay barrack, and to which he could not go but by the turnpike, and through the gate kept by the defendant. That the toll stated in the indictment, was taken for passing through the said gate, twice or oftener, from one of the said lots to the other, and that permission to pass was refused until the toll was paid. That the Chesnut-hill and Spring-house turnpike company had taken the benefit of the act (*in the text,*) &c. That the said separate lots were occupied by the said *Aaron Keyser* as one farm, and were so occupied at the time the toll was taken. But whether, &c.

It was agreed the argument should be had in bank, and that judgment should be entered in the Circuit Court, according to the opinion of the Supreme Court.

After argument, the opinion of the court was delivered as follows:

Tilghman, C. J. By the act of 17th March, 1806, certain privileges were given to the Chesnut-hill and Spring-house turnpike company, *provided*, that they should not have the benefit of that act, unless they relinquished their right of taking tolls from any person "when passing from one part of his or her farm to the other, along the said road." After the company had accepted the benefit of this act, the defendant took the toll for which he was indicted. It is now made a question, whether upon the finding of the jury, *Keyser* was passing from one part of his farm to the other.

The defendant's counsel have endeavoured to shew, that *Keyser* had two separate farms, and was passing from one of them to the other. In order to support this position, it must be shewn that it is impossible for two parcels of land, not contiguous, to be parts of one farm; for the jury have expressly found that they were occupied as one farm. Books have been cited to shew the meaning of the word *farm*. It does

not appear that the *English* affix a meaning to that word different from our idea of it. But if they did, it would signify nothing. We must understand it as it is generally understood in *Pennsylvania*. By a farm we mean an indefinite quantity of land, some of which is cultivated. Most farms contain parcels of land applied to different purposes. Some are used for the cultivation of grass, some of grain, and some remain in wood. It is very common for the proprietors of farms to have a piece of wood land, not contiguous to the place of their residence, but appurtenant to it. I can see no reason why those different parcels of land should not be reckoned as one farm: nor has any authority been cited to the contrary. Suppose a man to have a farm consisting of three fields lying on the turnpike road,

and to sell the middle field, so that the two remaining ones shall not be contiguous: Do they therefore cease to be one farm? I am satisfied that there are many cases where a farm consists of detached parcels of land, and that farms of this kind are within the words and meaning of the act of Assembly. The jury then having found that these different parcels were occupied as one farm, which was a matter of fact, proper for them to decide, I am clearly of opinion that the taking of toll was illegal, and that judgment should be entered for the commonwealth.

Yeates, J. gave no opinion, not having been present at the argument.

Brackenridge, J. concurred with the Chief Justice.

Judgment for the commonwealth. 3 *Binney, 235.*

CHAPTER MMDCLXXIV.

An ACT to erect the Town Plot of Wilkes-Barrè and its vicinity, in the county of Luzerne, into a borough.

SECT. 1. [THE town of Wilkes-Barrè incorporated, by the name of "The Borough of Wilkes-Barrè," and its boundaries described. 2. All persons entitled to vote for members of the Legislature, having resided in the borough twelve months previous to the election, may vote for borough officers. Manner of conducting the election prescribed. Of determining the preference, where there is an equality of votes, and how vacancies of death, resignation, &c. are to be supplied. 3. The burgess and town council made one body politic, by the style of the "Burgess and Town Council of the Borough of Wilkes-Barrè," with the usual corporate powers and privileges. 4. Penalty on persons, duly elected borough officers, refusing to serve. 5. The burgess, town council, &c. to take an oath of office, before any Justice of the Peace of the county. 6. Of meetings of the town council and their powers at such meetings, to make by-laws, &c. To assess and apportion taxes. To appoint a town-clerk, treasurer, &c. By-laws not to be repugnant to the constitution or laws of the United States, or this state. Taxes limited to half a cent in the dollar in any year, unless, &c. 7. Powers of the burgess. 8. Duties of the town-clerk prescribed. 9. Treasurer to give security. 10. Certain officers to render their accounts annually. 11. Duties of the high constable prescribed. 12. Persons feeling themselves aggrieved by any thing done under this act, may appeal to the Court of Quarter Sessions. The general act for the regulation of the public roads and highways not to extend to said borough.]

Passed 17th March, 1806.—Recorded in Law Book No. X. page 326.

1806.

CHAPTER MMDCLXXV.

[See vol. 3,
p. 56, 90,
429, 495.]

An ACT directing the sale of certain lands granted for the use of an Academy or Public School, in Beaver town.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the trustees of the Beaver town academy or a majority of them, be, and they are hereby authorized to sell and dispose of in the following manner, one moiety of the tract of land, adjoining the borough of Beaver, heretofore granted for the use of an academy or public school in said town, that is, the trustees, aforesaid shall lay out the said land in lots of not less than five nor more than ten acres each, and shall proceed to sell the same by public auction at the court house in said borough, on or before the first Monday in August next, having previously advertised the same for three weeks in a newspaper, published at Washington, one in Pittsburgh, and one in Meadville, the terms of which sale shall be as follows: to wit, One fourth of the purchase money to be paid in hand, the residue to be paid in three equal biennial instalments, for which payments the trustees are required to take bonds from the purchasers, payable with lawful interest to themselves and their successors in office, for the use of said institution with sufficient freehold security for the same, and the other moiety of the said tract of land, shall be laid out by the trustees aforesaid in the most convenient form to include the ferry on the Ohio river, which shall not be sold but reserved for the use of said institution, agreeably to the provisions of an act of the General Assembly of this commonwealth, passed February the twenty-first, one thousand eight hundred and three, entitled, "An act, appointing four trustees in addition to those heretofore appointed, for the county of Beaver, and for other purposes."*

SECT. II. *And be it further enacted by the authority aforesaid, That the said trustees, or a majority of them shall be at liberty as soon as they think it expedient to appropriate so much of the proceeds of said sales as shall be paid in hand together with the interest arising from the residue of said purchase money, not exceeding one thousand dollars, to the erection of a suitable building for an academy or public school in said borough, agreeably to the provisions of the law recited in the first section of this act, and as soon as the whole of the purchase money is paid into the hands of the trustees, they are hereby authorized to make good and sufficient conveyances for the same.*

SECT. III. *And be it further enacted by the authority aforesaid, That before the said trustees enter upon the duties assigned to them by this act they shall respectively, (in addition to the bail heretofore given,) enter approved freehold sureties to the commissioners of Beaver county, in the sum of fifteen hundred dollars, conditioned for the faithful performance of the duties of their appointments, and the proper application of the monies or other property, which shall from time to time come into their hands, and moreover the said trustees shall, and they are hereby required to exhibit at least once*

The trustees of Beaver town academy authorized to sell the one moiety of a tract of land heretofore granted said academy.

Mode of sale;

and terms.

The other moiety to include the ferry over the Ohio, reserved for the use of the institution.

How the proceeds shall be appropriated.

When titles shall be made to purchasers.

Trustees to give additional security;

and exhibit their accounts, annually, to the county commissioners.

in every year a full statement of their accounts to the commissioners of said county for their examination. 1806.

Passed 21st March, 1806.—Recorded in Law Book No. X. page 331.

See a supplement passed 12th January, 1807, (post. chap. 2727,) by which the commissioners are authorized to sue for the purchase money.

CHAPTER MMDCLXXVI.

An ACT to invest two lots and one half lot of ground, in the minister, church wardens and vestrymen, of Trinity Church, in Pittsburgh. (t)

Passed 21st March, 1806.—Local Act.—Recorded in Law Book No. X. page 332.

(t) The lots here invested in and confirmed to the corporation are marked No. 436 and 437, and the half lot No. 437, in the general plan of the town of Pittsburgh, to remain unalienable as a burial ground, for the congregation. (Note to former edition.)

CHAPTER MMDCLXXVIII.

An ACT for the relief of Adam Koch. (u)

Passed 21st March, 1806.—Private Act.—Recorded in Law Book No. X. page 333.

(u) By this act, Adam Koch, a soldier in the revolutionary war, is allowed an annuity of forty dollars, payable half yearly, out of any unappropriated monies in the treasury. (Note to former edition.)

CHAPTER MMDCLXXX.

An ACT making an additional allowance to the Prothonotary of the Supreme Court, of the Eastern district, and the Prothonotary of the Court of Common Pleas, of the city and county of Philadelphia.

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the sum of five hundred dollars, each, shall be allowed to the prothonotary of the Supreme Court of the Eastern district, and to the prothonotary of the Court of Common Pleas of the city and county of Philadelphia, clear of tax, in addition to the sum allowed to the said prothonotaries, by the twenty-seventh section of the act, entitled, "An act to alter the Judiciary system of this commonwealth," passed the twenty-fourth day of February, one thousand eight hundred and six.

Additional allowance to prothonotaries of Supreme Court, eastern district, and Common Pleas, of Philadelphia county.

[Ante pa. 277.]

Passed 21st March, 1806.—Recorded in Law Book No. X. page 336.

1806.

CHAPTER MMDCLXXXI.

An ACT regulating the proceedings of county commissioners, and treasurers, in certain cases.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, if any county commissioner elected or appointed in pursuance of an act, passed the eleventh of April, one thousand seven hundred and ninety-nine, entitled, "An act to raise and collect county rates and levies," or the treasurer of any county in this commonwealth, shall receive or hold any contract, or shall be either directly or indirectly interested in the management or superintendance of any public work or improvement, by and under the authority of the board of commissioners of such county, the same shall be deemed a misdemeanor in office, and shall be punished in the manner prescribed in the twenty-third section of the said recited act for neglect of duty: Provided always, That the provisions of this act shall not be so construed as to prevent the commissioners of any county from receiving their lawful compensation when necessarily attending to the progress of any public work or improvement in their official capacity.*

Passed 21st March, 1806.—Recorded in Law Book No. X. page 337.

CHAPTER MMDCLXXXII.

An ACT for establishing the Seat of Justice, in the county district of Tioga.

WHEREAS in conformity with the provisions contained in the ninth section of the act, entitled, "An act to erect parts of Lycoming, Huntingdon and Somerset counties, into separate county districts," passed March sixth, one thousand eight hundred and four, John Fleming, William Hill Wells, and William Ellis, trustees appointed for the county district of Tioga, have transmitted to the General Assembly, proposals by them received from Benjamin W. Morris, and as it appears that the proposed seat of justice and the proposals aforesaid, will be advantageous for the said county: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That John Fleming, William Hill Wells, and William Ellis, trustees appointed for Tioga county, or a majority of them, be, and they are hereby authorized and required to survey or cause to be surveyed, one hundred and fifty acres of land, beginning at the intersection of the Delmar and state roads, and extending thence north-easterly to land of Samuel W. Fisher and company, so as to include the said state road and the town of Wellsborough; agreeably to the description contained in the proposals made by Benjamin W. Morris, and the said trustees, or a majority of them, in conjunction*

County commissioners and trustees prohibited from holding any contract under the board of commissioners.

Or superintending any public work, unless in their official capacity.

[Ante. pa. 171.]

Trustees of Tioga, to survey a certain tract of land to include the town of Wellsborough;

with Benjamin W. Morris aforesaid, are hereby authorized and required to extend or enlarge the ground plot or plan of Wellsborough, and to lay off and fix on a convenient lot or lots of land, not exceeding two acres in the said town of Wellsborough, whereon the public buildings shall be erected for the use of Tioga county, and the residue of the said tract of one hundred and fifty acres, to lay off in out lots with the necessary reservations for streets, lanes, alleys, and roads.

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to enlarge the plan of said town, and lay off a lot therein, for the public buildings of Tioga county.

SECT. II. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the trustees aforesaid, to demand and receive from Benjamin W. Morris, a sufficient deed or deeds in fee simple, of one full and equal moiety of the lots and lands included by the survey of one hundred and fifty acres aforesaid, in trust for the use of Tioga county, and procure the same to be recorded in the office for recording deeds, in the county of Lycoming; and the said trustees or a majority of them, are hereby authorized to sell and dispose of the lots aforesaid, in such manner as will be most for the benefit of the county, and to make and execute deeds to the purchasers; and the monies arising from such sales shall be by them held and reserved for the use and benefit of Tioga county, subject to the disposal of the commissioners of Tioga county, when the choosing or electing such commissioners shall or may be authorized by law: *Provided always,* That nothing in this act contained shall have any force or effect in law, unless Benjamin W. Morris shall first execute and deliver to the trustees aforesaid, such deed or deeds of the full moiety of the one hundred and fifty acres before mentioned.

Trustees to take a deed in fee simple, for one half of the said tract, for the use of said county and have it recorded.

To sell the town lots, &c.

SECT. III. *And be it further enacted by the authority aforesaid,* That the aforesaid trustees shall each receive one dollar and thirty-three cents, for every day they shall be employed in the performance of the duties of the aforesaid trust, together with all expenses necessarily incurred for assistance in surveying and laying out lots, streets, lanes and alleys, which shall be paid by the treasurer of Lycoming county, on orders from the commissioners of said county, out of the taxes levied in the county district of Tioga.

Allowance to trustees;

how to be paid.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the trustees aforesaid, or a majority of them, shall within six months from and after the courts of law and board of commissioners, shall have been established and opened by law, in and for said county, surrender and convey to the said commissioners and their successors in office in trust for the use of the county, all the trust and trusts vested in them, or a majority of them by this act, and the said commissioners of the county are hereby empowered and required to do and perform the several duties which may remain to be done; and the said county commissioners shall have power, and it shall be their duty to call upon, and if necessary compel the aforesaid trustees or either of them, by suit to settle their accounts, and pay over to the treasurer of the county, any monies which may remain in their hands, or in the hands of either of them, due to the county of Tioga, from the sale of the town lots or out lots aforesaid.

When the trustees shall surrender their trust to the county commissioners, &c.

SECT. V. *And be it further enacted by the authority aforesaid,* That the said trustees shall as soon as may be, file a draught and

The trustees to file a draught of

1806, return of the survey and proceedings under and by virtue of this act, in the office of the recorder of deeds, in and for the county of Lycoming, or in the said office for the county of Tioga, if such office be then established by law.

their survey in the recorder's office of Lycoming or Tioga.

Passed 21st March, 1806.—Recorded in Law Book No. X. page 337.

CHAPTER MMDCLXXXIV.

An ACT for the better regulating and enforcing the proceedings, in Cases of Damages, under Twenty Dollars, before a Justice of the Peace or Alderman.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That when any Justice of the Peace or Alderman shall have issued his precept, in case of damage, under twenty dollars, if either of the parties shall fail to appear before such Justice or Alderman on the day to which the said precept is returnable, the Justice or Alderman having first ascertained, that the precept was regularly served, by the oath or affirmation of the constable serving the same, shall proceed to appoint three reputable citizens, whose duty it shall be to enquire into the truth of the case, and upon view, or otherwise, justly and truly to assess the damages (if any,) which the plaintiff may have sustained, and make report thereof to the said Justice or Alderman in writing, signed by the said referees, or any two of them; and judgment shall be entered, and execution issue for the amount so assessed, with costs as in other cases.*

Proceedings, when either of the parties, in cases of damage under twenty dollars, fail to appear before the Justice or Alderman, on the return of the precept.

Repealing clause.

SECT. II. *And be it further enacted by the authority aforesaid, That so much of any act as is by this act altered or supplied, shall be, and the same is hereby repealed.*

Passed 21st March, 1806.—Recorded in Law Book No. X. page 341.

CHAPTER MMDCLXXXVI.

An ACT to regulate Arbitrations and Proceedings in Courts of Justice.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for any person or persons, desirous of settling any dispute or controversy, by themselves, their agents or attorneys, to enter into an agreement in writing, to refer such dispute or controversy to certain persons to be by them mutually chosen; and it shall be the duty of the referees, to make out an award and deliver it to the party in whose favour it shall be made agreeably to the directions of this act, together with the written agreement entered into by the parties; and it shall be the duty of the prothonotary on the affidavit of a subscribing witness to the agreement, that it was*

Proceedings, where the parties in any dispute agree to decide it by reference.

duly executed by the parties to file the same in his office; and on the agreement being filed as aforesaid, he shall enter the award on record, which shall be as available in law as an award, made under a rule of reference, issued by the court or entered on the docket by the parties, and the same proceedings shall be had thereon, as are prescribed in the third section of this act.

SECT. II. *And be it further enacted by the authority aforesaid,* That in all cases where an action has been or hereafter may be depending in court, or an amicable suit is or may be entered in the prothonotary's office, the plaintiff and defendant may either in vacation or term time, by themselves, their agents or attornies, consent to a rule of court, for referring their cause to certain persons to be by them mutually chosen.

SECT. III. *And be it further enacted by the authority aforesaid,* That the referees chosen in pursuance of the directions of this act, shall be sworn or affirmed, (unless the same shall be dispensed with by the consent of the parties,) to try and determine the cause referred to them, and a just award make out under their hands and seals* of a majority of them, agreeably to the terms of the submission; which award shall be sealed up by the referees and delivered to the person in whose favour it shall be made, who shall deliver the same without breaking the seal, to the prothonotary of the proper county, who shall enter the same of record in his office; and if the said award be entered by the prothonotary in vacation, it shall be the duty of the party in favour of whom it is made, to serve a copy thereof on the adverse party, his agent or attorney, at least ten days preceding the first day of the next term; and if no exceptions be filed against the same, during the said term, it shall have the same effect and be recovered in the same manner as a judgment entered by the court, on the verdict of a jury; and if the award be entered by the prothonotary in term time, it shall in such case, be the duty of the party in favour of whom it is made to serve a copy thereof on the adverse party within ten days after the expiration of such term; and if no exceptions be filed with the prothonotary, within twenty days after receiving such notice, it shall become a judgment and be recovered as aforesaid; but in case either party file exceptions to the award entered as aforesaid, and the same being finally set aside by the court, if it be the plaintiff filing such exceptions, and he shall again prosecute his action either in a court of justice or before other referees, and shall not recover a sum equal or greater than was first awarded, he shall not have judgment for costs, and shall pay the defendant seventy-five cents per day, while attending on the same; and if the defendant file such exceptions, and the award be set aside by the court, and the plaintiff by a new action, shall recover a sum equal or greater than the original award, then, and in that case, the plaintiff shall have judgment for all the costs accrued on such suit; together with seventy-five cents per day, whilst attending the same, and in all cases, when a verdict of a jury shall be set aside, a new trial shall be had on the same conditions, as to cost and daily pay as are above prescribed, in cases of a new trial on the report of referees being set aside.

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The parties may enter into a rule of court, &c.

Referees to be sworn or affirmed, unless dispensed with by the parties; awards to be sealed up and delivered to the successful party, &c.

[* Good, though not under seal, post chap. 2987, § 2.]

If the award be entered in term time, what notice to be given, and within what time exceptions to be filed;

penalty on plaintiff, if he file exceptions to an award, &c.

Penalty on defendant filing exceptions, if the award be set aside, &c.

Similar provisions in cases of new trial after the verdict of a jury.

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Daily allowance to referees, how to be taxed and paid.

Penalty on referees neglecting or refusing to serve.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the referees chosen under the direction of this act, shall each be allowed one dollar per day for his services, which shall be taxed with other costs of suit, but if either of the parties do not appear on the day appointed for the referees to meet, the party neglecting to appear, either by himself, his agent or attorney, shall be liable for all costs which may have accrued on that day in said action, unless it be made appear to the satisfaction of the referees that the absent party could not attend, in which case, or for any other sufficient reason, the referees may postpone the trial to some other day certain, and if any referee so chosen and notified, shall neglect or refuse to attend at the time and place appointed to hear the parties, he shall for every such neglect or refusal, (unless prevented by sickness or other unavoidable accident,) forfeit and pay the sum of two dollars, for the use of the poor, and where there are no poor, to be paid to the supervisors of the highways of the city, town, district or township, in which such persons neglecting or refusing shall reside, which fine shall be recoverable before any Justice of the Peace in the proper county, as other fines are by law recoverable: *Provided,* an action be brought therefor within thirty days after such neglect or refusal.

In cases of debt not cognizable before a justice of the peace, the plaintiff is to file a statement of his demand, &c.

Purport of such statement;

the defendant within a given time to file a statement of his defence;

purport thereof.

The prothonotary to file such statements, &c. When the parties are to appear.

Where the plaintiff fail to appear, court to order a non-suit.

SECT. V. *And be it further enacted by the authority aforesaid,* That in all cases where a suit is or may be brought in any court of record within this commonwealth, for the recovery of any debt founded on a verbal promise, book account, note, bond, penal, or single bill, or all, or any of them, and which from the amount thereof may not be cognizable before a justice of the peace, it shall be the duty of the plaintiff, either by himself, his agent or attorney, to file in the office of the prothonotary, a statement of his, her or their demand on or before the third day of the term, to which the process issued is returnable; particularly specifying the date of the promise, book account, note, bond, penal, or single bill, or all, or any of them, on which the demand is founded, and the whole amount what he, she or they believe is justly due to him, her or them from the defendant; and it shall be the duty of the defendant, at least twenty days before the next succeeding term to which the process issued is returnable, to file in the office aforesaid, either by himself, his agent or attorney, a statement of his, her or their account, if any he or she hath against the plaintiff's demand, and particularly specifying what he, she or they believe is justly due from him, her or them to the plaintiff; and it shall be the duty of the prothonotary to file, without the agency of an attorney, such statements; and it shall be the duty of the parties to appear in their proper persons, by their agents or attorneys, on the third day of the next succeeding term, to which the process issued is returnable, when the term is for one week, and on the second Monday of the term when the same is to continue two weeks, before the court, which shall have issued the same; but if the plaintiff or plaintiffs shall neglect to appear as aforesaid, the court shall order a non-suit to be entered; and if the plaintiff shall appear, but the defendant or defendants shall neglect to appear as aforesaid, and make defence against the demand of the plaintiff or plaintiffs, it shall be the duty of the court to give judg-

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ment by default against the defendant for the sum which shall appear to be due; but if the parties appear as aforesaid, and the defendant refuse to confess judgment, the cause shall be tried by a jury, or on the agreement of the parties, it may be referred agreeably to the provisions of this act; and the plaintiff's attorney shall not be entitled to a judgment fee, in any action of debt, whether the judgment be confessed by the defendant or rendered on the report of referees, or on the verdict of a jury; and if the plaintiff on trial being had as aforesaid, does not recover more than the amount for which the defendant was willing to confess judgment, he shall not recover any costs that accrued on the cause subsequent to the offer of confessing judgment, excepting the costs of issuing and serving a writ of execution when the same may be necessary.

If the parties appear and defendant refuse to confess judgment, the cause may be tried by a jury, &c.

SECT. VI. *And be it further enacted by the authority aforesaid,* That in all cases where any suit has been brought in any court of record within this commonwealth, the same shall not be set aside for informality, if it appear that the process has issued in the name of the commonwealth, against the defendant for monies owing or due, or for damages by trespass, or otherwise, as the case may be, that said process was served on the defendant by the proper officer, and in due time, nor any plaintiff non-suited for informality in any statement or declaration filed, or by reason of any informality in entering a plea; but when in the opinion of the court such informality will affect the merits of the cause in controversy, the plaintiff shall be permitted to amend his declaration or statement, and the defendant may alter his plea or defence on or before the trial of the cause; and if by such alteration or amendment, the adverse party is taken by surprise, the trial shall be postponed until the next court, and the oath or affirmation to be administered to jurors, shall be in the form following, *viz.* "I, A. B. do swear, (or affirm as the case may be) that I will well and truly try the issue joined between C. D. plaintiff and E. F. defendant, and a true verdict give according to the evidence, unless dismissed by the court, or the cause withdrawn by the parties."

In what cases suits are not to be set aside for informality, &c.

Form of the qualification of jurors.

SECT. VII. *And be it further enacted by the authority aforesaid,* That in all suits instituted either by *capias* or summons, in any court of record within this commonwealth, the writ of execution shall be stayed on the judgment, whether it is obtained by the confession of the defendant, by the report of referees, or by the verdict of a jury, if the judgment shall not exceed two hundred dollars, six months, if not exceeding four hundred dollars, nine months, and if exceeding four hundred dollars, twelve months, counting from the first day of the term to which the original process issued is returnable, if the defendant in the opinion of the court, is possessed of a freehold estate, worth the amount of such judgment, clear of all incumbrances; but if the defendant is not a freeholder as aforesaid, then, execution may immediately issue, unless the defendant shall enter surety in the nature of special bail, in which case, there shall be stay of execution for thirty days, and if, at or before the expiration of that term, the defendant shall give security for the amount of debt, interest and costs, such defendant shall be en-

Of the stay of execution where the defendant is a freeholder.

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titled to the same stay of execution, as if he was a freeholder, and the like stay of execution shall be had upon judgments obtained in amicable actions, unless when it is differently provided by the parties in the terms of their agreement, counting from the date of their agreement.

Duties en-
joined on
prothonota-
ries;

SECT. VIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the prothonotaries, respectively, on the application of any persons willing to become parties in an amicable suit, to enter the same without the agency of an attorney, and when thereunto required, and on confession in writing, executed in presence of two or more witnesses, expressing the amount due to the plaintiff, (which confession shall be filed in his office,) he shall enter judgment against the defendant, for the amount expressed as aforesaid, with stay of execution as may be agreed upon by the parties, and the prothonotary shall receive fifty cents for every such entry, to be paid by the defendant in the suit, and when any suit is ended, the clerk of the court before which it was pending, shall on the request of the plaintiff expressed in writing, enter satisfaction thereon.

their com-
pensation.

In all civil
suits, the
parties shall
have a right
to be heard
in person or
by attorney.
Penalty on
attornies re-
taining their
clients' mon-
ney.

SECT. IX. *And be it further enacted by the authority aforesaid,* That in all civil suits or proceedings in any court within this commonwealth, every suitor and party concerned, shall have a right to be heard, by himself and counsel, or either of them, and when it shall be made appear to the satisfaction of the court, that any attorney of such court has retained money belonging to his client after demand made by the client for the payment thereof, it shall be the duty of the court to prevent such attorney from prosecuting longer in the said court, and to have his name stricken off the record of attornies.

Made the du-
ty of protho-
notaries, on
the applica-
tion in writ-
ing, of any
plaintiff, in
person or by
attorney, to
issue against
the defend-
ant, if a free-
holder, the
following
process.

SECT. X. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the prothonotary of any court of record within this commonwealth, on the application in writing of any person, either by himself or his agent, who may be desirous to recover by legal process, any debt due to him, her or them by or from another, either by bond, note, book account, rent, damages or assumption, if from the amount it is not cognizable before a justice of the peace, to grant and issue against the party defendant, if he, she or they be a freeholder, a precept in the following form, viz.

COUNTY, ss.

THE COMMONWEALTH OF PENNSYLVANIA.

Form of the
process.

* L. S. *

To the sheriff of _____ county GREETING.
You are hereby commanded that you summon _____ to be
and appear before our judges of the Court of Common Pleas, to be
holden for said county, on the _____ day of _____ next,
to answer _____ of a plea of debt, (by bond, note, or other-
wise, as the case may be,) not exceeding _____ dollars, hereof
fail not. Witness A. B. president (or judge, as the case may be,) _____
of our court, the _____ day of _____. And if the party de-
fending shall not be a freeholder, then such prothonotary may issue
a precept in the form following, to wit:

And if the
defendant be
not a free-
holder, the
process fol-
lowing.

COUNTY, ss.

1806.

THE COMMONWEALTH OF PENNSYLVANIA.

Form of the
process.*****
* L. S. *
******To the sheriff of* county *GREETING.*

You are hereby commanded that you take the body of
so that you have him before our judges of the Court of Common
Pleas, to be holden for the said county, at on the
day of next, there to answer a plea of debt (by
bond, note, or otherwise, as the case may be,) hereof fail not.
Witness A. B. president (or judge, as the case may be) of our said
court, the day of *Provided always nevertheless,*
That it shall be lawful for the complainant to demand a precept in
either of the forms above prescribed against a defendant, who may
not be a freeholder.

But in the
latter case,
the plaintiff
may have ei-
ther of those
forms at his
option.

Proceedings
on execu-
tions for the
recovery of
money.

SECT. XI. *And be it further enacted by the authority aforesaid,*
That the sheriff or coroner as the case may be, to whom may be
directed any process of execution for the recovery of money, shall
proceed to collect the same, and if the defendant shall refuse or ne-
glect to pay the debt and costs, the said sheriff shall levy on his per-
sonal estate if sufficient he hath, and thereafter make sale thereof,
first having given at least six days notice by not less than six hand-
bills, to be put up at such places as he shall deem best calculated to
give information, and with the money arising from such sale, he
shall pay the debts and all the costs accrued; but for want of per-
sonal estate sufficient to pay the debt and costs, the sheriff shall le-
vy the real estate of the defendant, or such part thereof, (but not
less than one whole tract or lot of land with the appurtenances,) as
he may deem sufficient to pay the same, whereupon such proceed-
ings shall be had as the existing laws direct, and of his proceedings
the said sheriff shall make return to the next court, and all inquisi-
tions for the condemnation of real estates, shall be held on the pre-
mises in execution if required by the defendant or his agent, of which
notice shall be given, [and the form of all executions to be issued,
shall be as follows, and not otherwise, viz.

* L. S. *

THE COMMONWEALTH OF PENNSYLVANIA.

COUNTY, ss.

Form of such
execution.[Repeated,
see notg.]*To the sheriff of* county.

Whereas hath recovered judgment in our court of
for said county against for a debt of and
also costs and the said having hitherto
neglected to pay the debt and costs aforesaid, as of right he ought
to have done. These are therefore to command you that you levy
the debt and costs aforesaid, of the goods and chattels of the said
if sufficient he hath, and of the same make sale accord-
ing to law, and that with the money arising from such sale, you pay
the debt and costs aforesaid, and the costs of sale, but if the said
shall not have personal estate sufficient, that then you
levy his real estate according to law, and that for want of estate
real or personal, you take the body of the said and him
commit to the gaol of said county, there to be detained until dis-
charged by due course of law. Witness president (or

1806.

judge as the case may be,) of our said court, the
one thousand eight hundred and
prothonotary.]

day of
attested A. B.

Writs of
ejectment,
to be in the
form follow-
ing,

SECT. XII. *And be it further enacted by the authority aforesaid,*
That all writs of ejectment shall be in the form following, and not
otherwise, viz,

++++++
+ L. S. +
++++++

THE COMMONWEALTH OF PENNSYLVANIA.

COUNTY, ss.

To the sheriff of said county

GREETING.

You are hereby commanded that you summon A. B. to appear
before the judges of the Court of Common Pleas in and for said
county, to be holden at _____ on the _____ day of
next, then and there to answer to a certain complaint made by C.
D. that he the said A. B. now hath in his actual possession a tract
of land, situate in _____ township, in the said county, contain-
ing _____ acres or thereabouts, bounded by lands of E. T. G. H.
the right of possession or title to which he the said C. D. saith is
in him, (or them as the case may be,) and not in the said A. B. all
which he the said C. D. averreth he is prepared to prove before
our said court, hereof fail not. Witness J. B. president, (or judge
as the case may be,) of our said court, at _____ the day of
anno Domini one thousand eight hundred and _____ Attested
L. M. prothonotary.

And it shall be the duty of the plaintiff, either by himself, his
agent or attorney, to file in the office of the prothonotary of the
proper county, on or before the first day of the term, to which the
process issued is returnable, a description of the land, together with
the number of acres, which he claims and declares that the title is
in him, and the defendant shall enter his defence (if any he hath)
for the whole or any part thereof, before the next term, and there-
upon issue shall be joined.

SECT. XIII. *And be it further enacted by the authority aforesaid,*
That in all cases where a remedy is provided or duty enjoined, or
any thing directed to be done by any act or acts of Assembly of this
commonwealth, the directions of the said acts, shall be strictly pur-
sued, and no penalty shall be inflicted or any thing done agreeably
to the provisions of the common law, in such cases, further than
shall be necessary for carrying such act or acts into effect.

[SECT. XIV. *And be it further enacted by the authority aforesaid,*
That this act shall take effect and be in complete operation, from
and after the first day of September next, and not before ; at and
after which time, so much of any law or laws now in force, as are
hereby altered or supplied, shall become void and be of no further
effect, and this act shall continue in force, until the first day of Janu-
ary, one thousand eight hundred and nine, and from thence until
the end of the then existing Session of the Legislature.] (x)

Passed 21st March, 1806.—Recorded in Law Book No. X. page 342.

(x) By a supplement to this act, passed 13th April, 1807, (chap. 2872,) it is declared, that the writ of eject-

ment prescribed in the act in the text, shall issue in all cases, where lands, tenements or hereditaments are claim-

Acts of As-
sembly to be
strictly pur-
sued, &c.

When this
act shall
come into
operation,
and limita-
tion thereof,

ed, and give remedy as fully, and effectually, as in ejectments in the form heretofore used; and all parties having an undivided interest in any such lands, tenements and hereditaments, whether as joint-tenants, co-partners or tenants in common, may join therein, and recover according to their interest and title; and minors may sue by their guardians, as in other cases; and the defendant may defend upon his own title, or the title of third persons; and the landlord may, as heretofore, be admitted as defendant, and in such cases, on the trial, shall admit himself in possession.

§ 2. Where any writ of ejectment shall be issued, and on the service thereof it shall appear to the sheriff, that other persons, not named in the writ, are in possession of the premises, or part thereof, such sheriff shall add the name of such person, or persons, to such writ, and serve the same, and, on return thereof, the prothonotary shall enter such additional defendants to the action, and they shall be parties thereto; and in case of any of the defendants not appearing, on motion to the court, and on affidavit of the sheriff or other officer, having served the said writ, stating the manner in which the said service was made, and on the same being deemed by the court a service agreeably to law, judgment may be entered by default, for such part as he is possessed of; and a writ of possession may issue upon such judgment, and the action may proceed to trial for the residue, against the other defendant, or defendants; and the return by the sheriff of having served any such writ on the defendants marked *served* by him, shall be evidence of such defendant or defendants being in actual possession of the premises, or part thereof.

§ 3. No writ of ejectment shall abate by reason of the death of any plaintiff or defendant, but the person or persons next in interest may be substituted in the place of the plaintiff or defendant, who shall have died, pending the writ.

§ 4. Where two verdicts shall in any writ of ejectment between the same parties, be given in succession for the plaintiff or defendant, and judgment be rendered thereon, no new ejectment shall be brought, but where there may be verdict against verdict between the same parties, and judgment thereon, a third ejectment in such case, and verdict and judgment thereon, shall be

final and conclusive, and bar the right. And the plea in ejectment shall be, *Not guilty*.

§ 5. So much of the act in the text as prescribes the form of execution, is repealed; but no writ of *capias ad satisfaciendum* shall issue in any casewhere any defendant or defendants may have real or personal estate to satisfy the demand, or if the whole cannot be satisfied, then only for the residue thereof.

§ 6. On the execution of a *habeas facias*, where the defendant or his tenant is in possession of the premises to be extended, the sheriff shall deliver the actual possession thereof to the plaintiff, or his agent.

By a further supplement passed 28th March, 1808, (chap. 2987,) it is provided, that in case of the non-attendance of a competent number of judges at the day appointed for holding a court of *oyer and terminer*, in the city, or any county, or in case of any subsequent interruption of the business of such court, by the sickness of any judge, or judges, or other cause, any one judge of the said court shall have power to adjourn and continue the said court from day to day, as may be expedient, and any associate judge of the Court of Common Pleas in any county, under the like circumstances, shall have power to adjourn and continue the Courts of Common Pleas and Quarter Sessions.

§ 2. Awards of referees in any case, though not under seals of the arbitrators, shall be good and available; and all awards of referees made in pursuance of the act in the text, if not delivered to the party in whose favour it may be thirteen days before the then next term, shall be considered, and proceeded upon, as if made in term time.

§ 3. The several courts of the commonwealth shall have power to enforce by attachment, the payment of monies, had and received by any sheriff, coroner, or attorney, in his official capacity, and the delivery of all papers belonging to their clients.

§ 4. Jurisdiction is given to the Sessions, concurrent with the Justices of the Peace, to enforce the act for opening and repairing the public roads, &c.

See also "an act regulating arbitrations," passed 20th March, 1810, by the 28th section of which, the act in the text, and the two supplements above cited, are made perpetual.

1806.

CHAPTER MMDCLXXXVII.

A SUPPLEMENT to sundry Penal Laws of this Commonwealth.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of August next, the court before which any person shall be convicted of felony or larceny, and sentenced to undergo an imprisonment at hard labour and confinement, for any term not exceeding three years, shall be vested with a discretionary power of directing the imprisonment, labour and confinement aforesaid, to be had and performed in the gaol of any county, within this commonwealth, or in the gaol and penitentiary of Philadelphia.

SECT. II. *And be it further enacted by the authority aforesaid,* That in all cases of larceny, wherein by the laws of this commonwealth, in addition to restitution of goods stolen, it is directed that any person convicted of such crime, shall pay to the commonwealth the like value of such goods, and in all cases, where by law, a fixed or specific fine is affixed to the commission of any crime, the court before which conviction of any of the crimes aforesaid shall be had, is hereby authorized in lieu thereof, to sentence the offender to pay such fine as the said court in its discretion may judge right : *Provided,* The same shall not exceed the fine heretofore affixed by law.

SECT. III. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully set fire to any barn, stable or out house, or to any barrack, rick, or stack of hay, grain, or bark, with intent to destroy the same, or shall be an accessory or accessaries before the fact, such person or persons being thereof legally convicted, shall suffer an imprisonment at hard labour in the gaol and penitentiary house in the city of Philadelphia, for any term not less than five years, nor more than twelve years, and pay a fine not exceeding two thousand dollars, at the discretion of the court.

SECT. IV. *And be it further enacted by the authority aforesaid,* That from and after the publishing of this act, it may and shall be lawful for any of the presidents of the Court of Common Pleas, to admit to bail any person accused of any or either of the crimes of robbery, burglary, sodomy, or buggery, as fully, amply, and effectually, as the judges of the Supreme Court, or some or one of them might or could do, under the act, entitled "An act to reform the penal laws of this state," passed the fifth day of April, anno Domini one thousand seven hundred and ninety ; any law to the contrary notwithstanding.

SECT. V. *And be it further enacted by the authority aforesaid,* That so much of any law or laws as is hereby altered or supplied, be and the same is hereby repealed and no further.

Passed 21st March, 1806.—Recorded in Law Book No. X. page 350.

[See vol. 2, Chap. 1505, pa. 531, and the notes thereto.]

Convicts, in certain cases may be sentenced to imprisonment and hard labour in the gaol of the county, where convicted.

In all cases of larceny, or where the fine has heretofore been fixed, the quantum of fine left to the discretion of the court, under certain restrictions.

Penalty on persons setting fire to any barn, stable, &c.

The presidents of the common pleas, authorized to admit to bail persons accused of robbery, burglary, &c.

Repeal of former laws, hereby altered or supplied.

CHAPTER MMDCLXXXVIII.

1806.

An ACT to vest in the Courts of Common Pleas, certain powers concerning writs of Partition.

[See chap. 2079, vol. 3, pa. 386, and the notes thereto.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from henceforward the respective county Courts of Common Pleas, shall have and exercise all the powers which the Supreme Court had and possessed by the act, passed the eleventh day of April, one thousand seven hundred and ninety-nine, entitled, "An act concerning writs of partition," as to the granting and proceeding upon writs of partition, at the suit of any tenant in common, joint tenant or co-partner, but in every case the writ of partition shall be directed to the Sheriff of that county in which it issues.

The Court of Common Pleas invested with power of granting and proceeding on writs of partition.

SECT. II. *And be it further enacted by the authority aforesaid, That* an exemplification of the proceedings, which may at any time hereafter be had by virtue of this act, together with the deed of conveyance made by the Sheriff, shall within six months after the execution thereof, be delivered to the recorder of deeds, in such adjoining county or counties, in which the application shall not have been made, and in which any part or parts of the said lands are or may be situated; which recorder shall enter the same on record of his proper county at the joint expense of all parties concerned therein.

Of the recording of exemplifications of proceedings and deeds of conveyance made by virtue of this act.

SECT. III. *And be it further enacted by the authority aforesaid, That* all lands, not seated or improved, but remaining in their natural state, shall be divided and valued, according to the second section of the act aforesaid, and that the third section of the same act is hereby repealed.

Of the division of unseated lands.

Passed 28th March, 1806.—Recorded in Law Book No. X. page 351.

CHAPTER MMDCLXXXIX.

An ACT for the establishment of a College at the Town of Washington in the county of Washington, in the State of Pennsylvania.

SECT. 1. [THE Washington college established. 2. Trustees appointed for said college. 3. Trustees incorporated, by the style of "The Trustees of Washington College, in the Town of Washington, in the county of Washington," with the usual corporate powers, and 4. To have one common seal. 5. Yearly meetings of the corporation, to be at such times as the trustees shall appoint, of which notice shall be given, &c. 6. Style of the masters, prescribed. Style and powers of the principal and professors; To be called "The Faculty of the College." Who may be elected trustees. Number of clergymen, as trustees, to be kept up. 7. Misnomers or disusers not to prejudice the corporation. 8. All property belonging to the academy of Washington vested in the trustees of the college and their successors. 9. Of sales or alienations of the real estate of the

1806. corporation. 10. The qualification of the trustees to be taken before a Judge of the Common Pleas, or Justice of the Peace of the county of Washington.]

Passed 28th March, 1806.—Recorded in Law Book No. X. page 352.

CHAPTER MMDCXC.

An ACT authorizing the Governor to incorporate a company for the purpose of making an artificial road, from the village of May town, in the county of Lancaster, to Nicholas's tavern, or cross roads, intersecting the Lancaster and Middle-town turnpike.

SECT. 1. [COMMISSIONERS appointed to open books and receive subscriptions to the stock. Form of subscription. Notice to be published of the times and places of receiving subscriptions, and for what time the books are to be kept open. First payment to be made at time of subscribing, to be five dollars for every share. 2. When a certain number of shares are subscribed, the commissioners to certify the same to the Governor. Who shall thereupon incorporate the subscribers. The style of the corporation to be "The President and Managers of the May town and Cross roads Turnpike Road Company," with the usual corporate powers, and all the powers and privileges given to the Downingtown, Ephrata and Harrisburg turnpike road. Mode of estimating the compensation to owners of land through which the road passes, as directed by the ninth section of said act, (which see, ante. pa. 31.)]

Passed 28th March, 1806.—Recorded in Law Book No. X. page 355.

CHAPTER MMDCXCI.

An ACT to enable the Governor of this commonwealth to incorporate a company, for making an artificial road, by the best and nearest route, from Triewig's tavern, in Bucks county, by way of Samuel Seller's tavern, Quaker town meeting house and Cooper's tavern, in Northampton town, in Northampton county.

SECT. 1. [COMMISSIONERS appointed to open books and receive subscriptions to the Northampton turnpike road. Form of subscriptions prescribed, and notice of the times and places of subscription to be published. Who may subscribe, and for what time the books are to be kept open. The commissioners may adjourn from time to time till the whole number of shares are subscribed, when the books are to be closed. Subscribers to pay a deposit of two dollars fifty cents for every share subscribed. 2. When a certain number of shares are subscribed, commissioners to certify to the Governor, who may thereupon incorporate the subscribers, by the style of "The President, Managers and Company of the Northampton Turnpike Road," with the usual corporate powers and privileges. 3. The commissioners to notify the subscribers to meet for the purpose of organizing the corporation. Officers to be chosen. Number

of votes limited. Of holding future elections. 4. Of the annual and special meetings of the company; and their powers at such meetings. 5. Certificates of shares to be issued on part payment. Which shall be transferable. 6. Meetings of the president and managers, and proceedings at such meetings prescribed. 7. Regulations in case of neglect to pay the instalments of capital stock. 8. The president and managers may enter lands, &c. through which the road may pass, to examine the ground, &c. Survey and lay down the track of the road. Compensation to be made to the owners of lands for any injury done. 9. President and managers may enter lands, &c. to take materials. Modes of estimating the compensation to owners. 10. The president and managers to erect bridges and lay out a road. Width and construction thereof prescribed. To be forever kept in repair. Private roads laid out by order of the court not to be obstructed. 11. Time and manner of obtaining license to erect turnpike gates declared. 12. Of appointing toll-gatherers. Rates of toll prescribed. *Provided*, That no toll be demanded or taken from any person or persons passing or repassing from one part of his or her farm to another, and that all persons attending funerals and places of worship, and all militia men on days of training, their horses and carriages shall be exempt from the payment of tolls in going to and returning therefrom. 13. Penalty on persons attempting to evade the payment of the tolls.]

SECT. XIV. *And be it further enacted by the authority aforesaid*, That if the said company shall neglect to keep the said road in good and perfect order and repair, for the space of fifteen days, and information thereof shall be given to any Justice of the Peace of the proper county, such Justice shall issue a precept, to be directed to any constable, commanding him to summon three judicious freeholders, to meet at a certain time in the said precept to be mentioned, at the place in the said road which is complained of; of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said Justice shall at such time and place by the oaths or affirmations of the said freeholders, enquire whether the said road or any part thereof is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made, under the hands and seals of himself and a majority of the said freeholders; and if the said road shall be found by the said inquisition to be out of order and repair, according to the true intent and meaning of this act, he shall so certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates, between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, for the intermediate distance between them, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put into good and perfect order and repair as aforesaid: and if any of the keepers of the gates aforesaid, shall take or attempt to exact tolls, for the intermediate distance between the gates aforesaid, from any traveller during the time the road shall continue out of repair, such keeper shall forfeit and pay to the person who shall prosecute for the same, the sum of ten dollars, to be recovered before any Justice of the Peace as debts of equal

Proceedings in case the company do not keep the road in good order and repair.

1806.

amount are or may be by law recoverable ; but if the same road shall not be put into good and perfect order and repair before the next ensuing Court of Quarter Sessions of the proper county, the said Justice shall certify and send a copy of the said inquisition to the Justices of the said court, and the said court shall thereupon cause process to issue, and bring in the bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be found defective as aforesaid, and shall direct a bill of indictment to be sent to the grand inquest, against the person or persons entrusted as aforesaid, and upon conviction shall give such judgment, according to the nature and aggravation of the neglect, as the said court in their discretion shall judge proper : *Provided*, The fine in no instance shall be less than twenty dollars, nor exceeding one hundred dollars ; and the fines, to be so imposed, shall be recovered in the same manner as fines for misdemeanors are usually recovered in said county, and shall be paid to the supervisors of the highways of the place wherein the offence was committed ; to be applied to repairing such highways as the township or county is bound to repair at the public expense thereof.

SECT. 15. [The president and managers to keep the company accounts of subscriptions, &c. and submit the same to a general meeting of the stockholders ; and if the capital stock be found insufficient to complete the road, it may be enlarged. 16. The president and managers to keep an account of the tolls and declare dividends on the profits. 17. The president and managers to lay an abstract of the accounts before the Legislature in order to ascertain the clear income ; and if the profits do not amount to six per cent. the tolls may be increased ; but not to exceed nine per cent. 18. Direction posts to be erected, and mile-stones to be placed on the side of the road, and printed rates of tolls to be fixed at the turnpikes.]

SECT. XIX. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully break, deface, pull up or prostrate any mile-stone, which shall be placed in pursuance of this act on the side of the said road, or shall obliterate the letters or figures inscribed thereon, shall wilfully break, pull down, deface, destroy or injure any direction-post, which shall be erected in pursuance of this act, at the intersection of any road as aforesaid, or the board or index-hand affixed thereto in conformity with the directions of this act, or shall obliterate the letters or figures inscribed or marked thereon, or destroy, deface or obliterate the letters, figures or other characters, marked at any turnpike or gate, which shall be erected in pursuance of this act, for all or any of the purposes therein mentioned, or the whole or any part of any printed list of the rates of tolls which shall be affixed in pursuance of the directions of this act, at any such gate or turnpike, he or they so offending in the premises shall and each of them shall for every such offence, severally and respectively, forfeit and pay to the said president, managers and company, the sum of twenty dollars, to be sued for and recovered with costs of suit before any Justice of the Peace in manner aforesaid.

SECT. XX. *And be it further enacted by the authority aforesaid*, That all waggoners, carters and drivers of carriages of all kinds,

Penalty on persons defacing or destroying mile stones, direction-posts, &c.

Drivers to keep to the right hand

whether of burthen or pleasure, using the said road, shall, except 1806.
when overtaken and passing by a carriage of slower draught, keep
their horses and carriages on the right hand side of the said road, ^{side in the}
in the passing direction, leaving the other side of the said road, ^{passing di-}
free and clear for other carriages to pass and repass; and if any ^{rection.}
waggoner, carter or driver shall offend against this provision, he
shall forfeit and pay any sum not exceeding six dollars to any per-
son who shall, by reason thereof, be obstructed in his passage, and
will sue for the same before any Justice of the Peace; to be recov-
ered with costs in the like manner aforesaid.

SECT. XXI. *And be it further enacted by the authority aforesaid,* ^{Penalty on}
That if any toll-gatherer on the said road shall demand from any ^{toll-gather-}
person or persons, using the said road, any greater or other toll ^{ers demand-}
than by this act is authorized and allowed, such toll-gatherer shall ^{ing more}
forfeit and pay the sum of twenty dollars for every such offence; ^{than legal}
one half to the use of the supervisors of the roads or highways of the ^{toll.}
township in which the forfeiture shall be incurred, and the other
half to the use of the person suing for the same; to be recovered
before any Justice of the Peace of the county where such offence
shall have been committed.

SECT. XXII. *And be it further enacted by the authority aforesaid,* ^{Defendants}
That if in the case of any suit or prosecution which shall be com- ^{to be allow-}
menced under the directions of this act, for any penalty incurred ^{ed reason-}
under the same, whether by or against the said company, their ser- ^{able retribu-}
vants or assignees, the said suit or prosecution shall not be sustain- ^{tion against}
ed by the plaintiff or prosecutor, then, and in such case, the person ^{prosecutors}
or persons prosecuted as aforesaid, shall recover by the judgment ^{not sustain-}
of the justice before whom such suit or prosecution shall be de- ^{ing their}
pending, or by action before the Court of Common Pleas of the ^{prosecu-}
proper county, (if such prosecution had been instituted before the ^{tions.}
Court of General Quarter Sessions of the Peace) such sum, not ex-
ceeding the amount of the penalty for which the suit or prosecution
shall be commenced, as shall be deemed a reasonable retribution for
the vexation of such suit or prosecution.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* ^{Limitation}
That no suit or action shall be brought or prosecuted by any person ^{of time with-}
or persons for any penalties incurred under this act, unless such ^{in which ac-}
suit or action shall be commenced within six months next after the ^{tions under}
fact committed, and the defendant or defendants, in such suit or ac- ^{this act, are}
tion may plead the general issue, and give this act and the special ^{to be com-}
matter in evidence, and that the same was done in pursuance and ^{menced.}
by the authority of this act.

SECT. 24. [Limitation of time for commencing and completing
the road. 25. The right reserved to the state of purchasing the
road and extinguishing the tolls.]

Passed 28th March, 1806.—Recorded in Law Book No. X. page 559.

CHAPTER MMDCXCIV.

An ACT to incorporate the Pennsylvania Academy of the Fine Arts.

SECT. 1. [SUBSCRIBERS to the association called "The
Pennsylvania Academy of the Fine Arts," incorporated by that

1806. style, and power of the corporation, as usual. 2. Officers of the corporation, how and when to be chosen. Of a quorum to do business, &c. 3. The concerns of the corporation to be regulated by its future by-laws.]

Passed 28th March, 1806.—Recorded in Law Book No. X. page 374.

CHAPTER MMDCXCV.

An ACT to enable the Governor of this commonwealth, to incorporate a company, for making an artificial road, by the best and nearest route from Berwick, on the north-east branch of the Susquehanna, or from the mouth of the Lower Wopshawley, to that point on the North line of the state, which is nearest to Newtown, on the river Tioga, in the state of New-York.

SECT. 1. [COMMISSIONERS appointed to open books and receive subscriptions for the Susquehanna and Tioga turnpike road. Form of subscription. Notice of the times and places of subscription to be published. Who may subscribe, and for what number of shares. For what time the books are to be kept open. The commissioners may adjourn from time to time till the whole number of shares are subscribed, when the books shall be closed. Subscribers to pay a deposit of ten dollars for every share subscribed. 2. When a certain number of shares are subscribed, commissioners to certify the same to the Governor, who shall thereupon incorporate the subscribers, by the style of "The President, Managers and Company of the Susquehanna and Tioga Turnpike Road," with the usual corporate powers and privileges. 3. The commissioners to notify the subscribers to meet for the purpose of organizing the corporation. Officers to be chosen. And the general powers, authorities and privileges, &c. of the corporation, to be the same as granted to the Susquehanna and Lehigh turnpike road. (Ante. page 165.)]

Passed 28th March, 1806.—Recorded in Law Book No. X. page 376.

CHAPTER MMDCXCVI.

An ACT to erect the town of Bellefonte, in Centre county, into a borough.

SECT. 1. [THE town of Bellefonte, erected into a borough. Name and boundaries of the borough described, and to possess the same powers and privileges as the borough of Williamsport, in the county of Lycoming.

Passed 28th March, 1806.—Recorded in Law Book No. X. page 378.

CHAPTER MMDCXCVIII.

1806.

An ACT to revive and amend an act, entitled, "An act to authorize the Governor of this commonwealth, to incorporate a company, for erecting a bridge over the river Lehigh, near the town of Northampton."

[Original
act, vol. 3,
pa. 290.]

SECT. 1. [The principal act revived. 2. New commissioners appointed. And the period within which the bridge is to be erected, extended.]

Passed 28th March, 1806.—Recorded in Law Book No. X. page 379.

CHAPTER MMDCXCIX.

An ACT for the relief of John Ryan. (y)

Passed 28th March, 1806.—Recorded in Law Book No. X. page 380.

(y) By this act, an annuity of forty out of any unappropriated monies in the dollars is granted to John Ryan, a revolutionary soldier, payable half yearly

CHAPTER MMDCCI.

An ACT to provide for the erection of a house for the employment and support of the poor, in the county of Dauphin.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* a house for the employment and support of the poor shall be erected in the county of Dauphin, in the manner and under the conditions hereinafter prescribed and enacted.

Poor House
erected in
Dauphin
county.

SECT. II. *And be it further enacted by the authority aforesaid, That* Christian Kunkle, Isaac Ferre, junior, Thomas Stubbs, George Lower, Valentine Shouffler, Martin Meily, Abraham Doebler, Rudolph Kintzel, and Henry Mayer, of the said county of Dauphin, be, and they are hereby authorized, empowered and directed to receive and hear such application as shall be directed to them respecting the place, which may be deemed most proper for erecting the buildings for the employment and support of the poor, in the said county of Dauphin, and shall on or before the first day of November next, determine upon and fix the place within the said county of Dauphin, on which the said buildings shall be erected, and they or a majority of them shall certify their proceedings under their hands and seals to the clerk of Quarter Sessions, of the said county of Dauphin, to be filed in his office.

Persons ap-
pointed to
fix upon the
site for the
building.

When and
where to
make their
report.

SECT. III. *And be it further enacted by the authority aforesaid, That* the electors of the said county of Dauphin shall, at the general election next ensuing the passing of this act, in the manner prescribed for the election of members of the House of Representatives of this commonwealth, elect three reputable citizens of the

Directors of
the poor to
be elected;

1806.

said county, to be directors of the poor and of the house of employment, for the county of Dauphin, for the ensuing year; and the judges of election of the said county shall immediately on receiving the returns from the several election districts, and casting up the number of votes therein, or within three days thereafter, certify under their hands and seals, the names of the directors so chosen to the clerk of the Court of Quarter Sessions of the said county, who shall file the said certificate in his office, and forthwith give notice in writing to the said persons of their being elected, whose duty it shall be to meet at the court-house in the said county, on the first Monday in November next ensuing their election, and divide themselves by lot into three classes, the place of the first to be vacated at the expiration of the first year, of the second, at the expiration of the second year, and of the third, at the expiration of the third year, so that those who shall be chosen after the first election, and in the above mode prescribed, may serve for three years, and one third be chosen annually.

Certificate
of their elec-
tion.

Meeting of
the directors
and rotation
in service.

Qualification
of directors
and penalty
for neglect
or refusal to
serve.

SECT. IV. *And be it further enacted by the authority aforesaid,* That each director elected in manner aforesaid, or appointed as is directed by the thirteenth section of this act, shall within ten days after he is notified of such election or appointment, and before he enters on the duties of the said office, take an oath or affirmation, which any Justice of the Peace of the said county is hereby authorized to administer, that he will discharge the office of director of the poor for the said county, truly, faithfully and impartially to the best of his knowledge and ability; and in case of neglect or refusal to take the said oath or affirmation within the time aforesaid, he shall forfeit and pay the sum of ten dollars, for the use of the poor of the said county; which fine shall be recovered by the directors, for the time being as debts of equal amount are or may be by law recoverable.

Directors in-
corporated;

SECT. V. *And be it further enacted by the authority aforesaid,* That the said directors shall forever hereafter, in name and in fact be one body politic and corporate in law, to all intents and purposes whatsoever, relating to the poor of the county of Dauphin, and shall have perpetual succession, and may sue and be sued, plead and be impleaded, by the name, style and title of "The Directors of the Poor and of the House of Employment, for the county of Dauphin," and by that name shall and may receive, take and hold any lands, tenements and hereditaments, not exceeding the yearly value of ten thousand dollars; and any goods and chattels whatsoever of the gift, alienation or bequest of any person or persons whomsoever, to purchase, take and hold any lands and tenements within their county, in fee-simple, or otherwise, and erect suitable buildings thereon, for the reception, use and accommodation of the poor of their respective townships, to provide all things necessary for the reception, lodging, maintenance and employment of the said poor, to appoint a treasurer annually who shall give bond with sufficient surety, for the faithful discharge of the duties of his office; and that at the expiration thereof he will, well and truly, pay and deliver over to his successor, all monies, bonds, notes, book-accounts, and other papers, to the said corporation belonging, which shall then be remaining in his hands, custody and possession, to employ,

The style of
the corpora-
tion:

Its immuni-
ties and pow-
ers.

The treas-
urer of the
corporation,
his qualifi-
cation and
powers.

1806.

and at pleasure remove, a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other necessary attendants for the said poor respectively, to bind out as apprentices, so that such apprenticeship may expire, if males, at or before the age of twenty-one years, if females, at or before the age of eighteen years, such poor children as shall come under their notice, or as may now be bound apprentices by the overseers of the poor, and to exercise and enjoy all such powers now vested in the overseers of the poor, as are not herein granted or supplied; and the said directors shall be empowered to use one common seal in all business relating to the said corporation, and the same at their pleasure to alter or renew.

Seal of the corporation.

Estimate to be made of the expense of the buildings, &c.

Taxes to be raised for detraying the same.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the said directors as soon as may be after their election and organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands, erecting the necessary buildings and furnishing the same, whereupon the commissioners of the said county shall, and they are hereby authorized and required to increase the county tax, by one fourth part of the sum necessary for the purposes aforesaid, and shall procure on loan on the credit of the taxes herein directed to be levied, the remaining three fourths thereof to be paid in instalments with interest out of the county taxes: *Provided always,* That if such loan cannot be made, the whole amount of the sum necessary for the purposes aforesaid, or such part thereof as may be deemed proper, shall immediately be added to the county tax, to be paid by the county treasurer to the directors aforesaid, on orders drawn in their favour by the county commissioners as the same may be found necessary.

The directors annually to make an estimate of the probable expenses for the ensuing year.

SECT. VII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said directors, or a majority of them, immediately after their first election, and so annually for ever thereafter, to make an estimate of the sum necessary for the support of the poor of the said county, for the year ensuing the making such estimate, and shall forward the same to the county commissioners, who shall provide by tax or otherwise, the sum required by such estimate, and pay the same over to the treasurer of the said corporation.

Time and manner of rendering the accounts of the directors.

Return of the persons in the poor-house, or supported elsewhere.

Inspection of books.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the said directors shall, at least once in every year, render an account of all the monies by them received and expended, to the auditors appointed to audit and settle the county accounts, subject to the same penalties, rules and regulations as are by law directed respecting the accounts of the county commissioners, and shall also, at least once in every year, lay before the Court of Quarter Sessions and grand jury of the said county, a list of the numbers, ages and sexes of the persons maintained and employed in the said house of employment, or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeships as aforesaid, with the names of the masters or mistresses and their trade, occupation or calling, and shall at all times, when thereunto required, submit to the inspection and free examination of such visitors as shall from time to time be appointed by the Court of Quarter Sessions of the

1806. said county, all their books and accounts, together with the rents, interests and monies payable and receivable by the said corporation, and also an account of all sales, purchases, donations, devises and bequests as shall have been made by or to them.

When and how the poor shall be removed to the building to be erected in pursuance of this act.

Exception to how they shall be provided for.

The directors required to provide for and employ the poor.

Directors may permit poor persons to be maintained elsewhere.

Powers of the directors to make rules and regulations.

But not without the approbation of the court.

SECT. IX. *And be it further enacted by the authority aforesaid,* That as soon as said buildings shall be erected, and all necessary accommodations provided therein, notices shall be sent, signed by any two of the said directors, to the overseers of the poor of the several townships of the said county of Dauphin, requiring them forthwith to bring the poor of their respective townships to the said house of employment, which order the said overseers are hereby enjoined and required to comply with, or otherwise to forfeit the costs of all future maintenance, except in cases when by sickness or other sufficient cause any poor person cannot be removed, in which case the said overseers shall represent the same to the nearest justice of the peace, who being satisfied of the truth thereof, shall certify the same to the said directors, and at the same time issue an order, under his hand and seal, to the overseers, directing them to maintain such poor until such time as he or she shall be in a situation to be removed, and then to convey the said pauper and deliver him or her to the steward or keeper of the said house of employment, together with the said order, and the charge and expense of such temporary relief and of such removal shall be paid by the said directors at a reasonable allowance.

SECT. X. *And be it further enacted by the authority aforesaid,* That the said directors shall from time to time, receive, provide for and employ, according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in the said county of Dauphin, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two justices of the peace directed to any constable of the said county of Dauphin, or to the overseers of the proper township in any other county of this commonwealth, and to the said directors of the poor and of the house of employment of the said county of Dauphin, and the said directors are hereby authorized when they shall deem it proper and convenient so to do, to permit any poor person or persons to be maintained elsewhere.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the said directors or any two of them, who shall be a quorum in all cases to do business, shall have full power to make and ordain all such ordinances, rules and regulations, as they shall think proper, convenient and necessary, for the direction, government and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and of all such persons as shall come under their care or cognizance: *Provided,* The same be not repugnant to this law or any other of the laws of this state or of the United States: *And provided also,* That the same shall not have any force or effect until they shall have been submitted to the Court of Common Pleas, for the time being of the said county of Dauphin, and shall have received the approbation of the said court,

SECT. XII. *And be it further enacted by the authority aforesaid* 1806.
That a quorum of the said directors shall, and they are hereby enjoined and required to meet at the said house of employment, at least once in every month, and visit the apartments, and see that the poor are comfortably supported, and hear all complaints, and redress or cause to be redressed, all grievances which may happen by the neglect or misconduct of any person or persons in their employment.

The directors to visit the house of employment monthly.

SECT. XIII. *And be it further enacted by the authority aforesaid*,
That the said directors shall each of them, receive for their services forty dollars per annum, to defray the expenses of their necessary attendance on the duties of their offices.

Compensation of Directors.

SECT. XIV. *And be it further enacted by the authority aforesaid*,
That in case of any vacancy by death, resignation, or otherwise, of any of the said directors, the remaining directors shall fill such vacancy by appointment of a citizen of their said county, under the same penalty as is provided by the fourth section of this act, to serve until the next general election, when another director shall be elected to serve as if no such vacancy had happened.

How vacancies in the direction shall be supplied.

Penalty for refusing to serve.

SECT. XV. *And be it further enacted by the authority aforesaid*,
That all the monies which shall be remaining in the hands of the overseers of the poor of the several townships of Dauphin county, at the time when the first county poor tax shall be assessed, levied and collected, shall be paid over by the said overseers to the supervisors of the highways of their respective townships, to be by them applied towards the repairing of the roads therein.

Money remaining in the hands of the Overseers of the poor, &c.

SECT. XVI. *And be it further enacted by the authority aforesaid*,
That as soon as the poor of the county of Dauphin shall be removed to the house of employment of the said county, the office of overseer of the poor within the said county shall from thenceforth be abolished.

When the office of overseer of the poor in Dauphin county shall be abolished.

SECT. XVII. *And be it further enacted by the authority aforesaid*
That as soon as the aforesaid buildings shall be completed, so much of the laws of this commonwealth relating to the poor of the county of Dauphin, as is by this act altered or supplied, be, and the same is hereby repealed.

Repeal of so much of the laws respecting the poor in Dauphin county as is hereby supplied.

SECT. XVIII. *And be it further enacted by the authority aforesaid*,
That the powers conferred and duties imposed on the overseers of the poor, in and by an act to empower the overseers and guardians of the poor of the several townships within this commonwealth, to recover certain fines, penalties and forfeitures, and for other purposes, are hereby conferred and imposed on the supervisors of the highways in the said county of Dauphin; and that the justices of the peace and sheriff within the said county, are hereby required and enjoined to pay to the said supervisors, to be by them applied to the repair of the highways, the aforesaid fines, penalties and forfeitures within the time, and in the manner prescribed by the said act for the payment thereof in other counties, to the overseers of the poor, and to give notice of the receipt thereof to the said supervisors, within the time and in the manner aforesaid, and that for any neglect or refusal to perform any of the duties enjoined on them by the said act the said justices of the peace and sheriff of the said

Certain powers and duties transferred, &c.

Penalty on justices of the peace and sheriffs not obeying the provisions of the act, &c.

1806. county, shall be subject to all the fines, penalties and forfeitures, to which the justices of the peace and sheriffs in other counties are by the said act subject and liable.

Compensation to the persons appointed to fix the place for erecting the building, &c.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That the commissioners of the said county are hereby authorized and empowered to pay to the persons who are appointed by this act, to fix the place where the buildings for the accommodation of the poor in said county shall be erected, such sums of money as will be sufficient to reimburse them for their expenses, and also to pay to each of the said directors such sum of money as (together with the annual sum allowed them by this act) may be in the opinion of the commissioners, a reasonable compensation for their services during the time they are employed in erecting the buildings aforesaid. (z)

Passed 28th March, 1806.—Recorded in Law Book No. X. page 381.

(z) By a supplement to this act, passed, 4th March, 1807, (chap. 2761.) the directors of the poor were authorized to sell the lands which had been purchased for the site of the poor house, on account of the ineligibility of its situation, &c. and to purchase another, which has been effected, and the poor-house erected on the new situation.

And by a further supplement, passed 22d February, 1808, (chap. 2909,) In all actions to be commenced by the directors of the poor of the county of Dauphin, for the recovery of any gift, grant, fine, forfeiture, devise or bequest, made to the said corporation, or

in case of any appeal brought by, or against, the said directors, respecting the settlement of a pauper, each and every person, resident in the said county, in the first case, and of the counties affected thereby in the second case, shall be competent to hear, try, and give testimony, touching the matters in controversy.

By an act passed 5th January, 1811, the directors are authorized to sell the mill and part of the land purchased by them, not exceeding twenty-five acres in the whole, and apply the proceeds to pay the remaining purchase money due by the county for the said lands.

CHAPTER MMDCCIX.

[Original act, ante. pa. 254.]

A SUPPLEMENT to the act, entitled, "*An act, enjoining certain duties on the holders of warrants not executed, and on the holders of unseated lands.*"

Duties enjoined on the holders of unseated lands.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of every holder of unseated lands within this commonwealth, who has not complied with the injunctions required by the second section of the act to which this is a supplement, to furnish to the commissioners of the proper county, on or before the fourth Monday of November next, a statement signed by such holder or his, her or their agent, containing a description of each and every tract so held, the name of the person or persons to whom the original title from the commonwealth passed, and the nature, number and date of such original title; and it shall be the duty of every person hereafter becoming a holder of unseated lands by gift, grant or other conveyance to furnish a like statement, together with the date of the conveyance to such holder, and the name of the grantor, within one year, from and after such conveyance; and on failure

of any holder of unseated lands to comply with the injunctions of 1806. this act, it shall be the duty of the county commissioners to assess on every tract of land, respecting which such default shall be made when discovered, four times the amount of the tax to which such tract or tracts of land would have been otherwise liable, and to enforce the collection thereof, in the same manner that taxes due on unseated lands are or may be assessed and collected: *Provided*, That nothing in this act nor in the act to which this is a supplement, shall be construed as giving greater validity to unexecuted land warrants, than they are now entitled to, nor to the detriment of persons under legal disabilities: *Provided*, Such person or persons comply with the foregoing requisitions within the time or times limited respectively, after such disability shall be removed.

Penalty on failing to perform the same.

Proviso in favour of persons under legal disabilities.

Repeal of part of a former law.

SECT. II. *And be it further enacted by the authority aforesaid*, That the second section of the act, entitled "An act enjoining certain duties on the holders of land warrants not executed, and on the holders of unseated lands," be, and the same is hereby repealed.

Passed 28th March, 1806.—Recorded in Law Book No. X. page 391:

CHAPTER MMDCCXIII.

An ACT to regulate the Lower Ferry and the Upper Bridge on the River Schuylkill.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, it shall be the duty of the master, skipper or owner of any ship, boat or other vessel navigating the river Schuylkill, on passing the bar at the mouth of said river, inward bound, to blow a horn, and also when they shall arrive within one quarter of a mile of the ferry, and if outward bound, the master, skipper or owner of any ship, boat or vessel, shall blow a horn when they shall arrive within one quarter of a mile of the ferry aforesaid, whereupon the keeper thereof shall attend immediately for the purpose of lowering and sinking the rope, in such manner as to permit such ship, boat or other vessel, to pass without delay and in safety, under the penalty of twenty-five dollars, for every neglect or refusal to perform the duties hereby enjoined, to be recovered as debts of an equal amount are or may be by law recoverable; and if any master, skipper or owner conducting any ship, boat or other vessel, shall neglect or refuse to blow a horn as aforesaid on approaching said ferry, or give personal notice of his intention to pass the same, every such master, skipper or owner neglecting or refusing to comply with the before mentioned requisitions, and thereby do any injury to the rope, shall forfeit and pay a fine of twenty-five dollars, for every such injury done to the said rope, to be recovered as debts of an equal amount are or may be by law recoverable; and all the fines and forfeitures arising under this section, shall be applied in the following manner, *viz.* One moiety to the person suing for the same, and the other moiety thereof to

Regulations relative to the passage of inward and outward bound vessels, through the Lower Ferry on Schuylkill.

1806. the supervisors of the highways of the townships of Kingessing and Passyunk, to be applied towards repairing the highways thereof.

Penalty on the keeper of the Upper Bridge for neglecting to open said bridge for the passage of vessels, on the application of the owners thereof.

SECT. II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the owners, tenant or occupant of the floating bridge over the river aforesaid, at the place usually called the Upper Ferry, on application to them, or any of them, at the place usually called the Upper Ferry aforesaid, by any owner, master or skipper of any vessel, shallop, boat or raft, lying in the aforesaid river, near the said Upper Ferry, shall immediately open the said bridge for the passage of said vessel, shallop, boat or raft, under the penalty of paying for every such refusal or neglect thereof, the sum of twenty-five dollars, to be recovered from the person so refusing or neglecting, as debts of equal amount are or may be by law recoverable by the owner, master or skipper of such vessel, shallop, boat or raft detained thereby: *Provided,* That nothing herein contained shall be so construed as to compel the said owner, tenant or occupant, to open the said bridge within one hour after the commencement of flood or ebb tide.

Passed 31st March, 1806.—Recorded in Law Book No. X. page 394.

CHAPTER MMDCXXIV.

An ACT authorizing the Governor to subscribe for certain shares in the Erie and Waterford turnpike road.

[Ante. pa. 124.]

The Governor authorized to subscribe in behalf of the commonwealth, for one hundred shares in the Erie and Waterford turnpike road.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the Governor, be, and he is hereby authorized and required to subscribe for and in behalf of this commonwealth, for one hundred shares in the Erie and Waterford turnpike road, to be paid on warrants drawn by the Governor to the president and managers of the company incorporated for the purpose of making said road, and to be applied by them for that purpose.

Passed 31st March, 1806.—Recorded in Law Book No. X. page 395.

CHAPTER MMDCXXV.

An ACT erecting certain election districts, and making alterations in other districts already erected.

Place of holding elections within the third district, in Bucks county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the electors residing within the third election district, composed of the townships of Tinicum, Nockamixon, and Derham, in the county of Bucks, shall hold their general elections at the house now occupied by Michael Ott, in the township of Nockamixon aforesaid, any law to the contrary notwithstanding.

Hopewell erected into an election district.

SECT. II. *And be it further enacted by the authority aforesaid,* That Hopewell township, in the county of York, be, and the same

hereby is erected into an election district, and the electors thereof shall hold their elections at the house of John Bordner, in said township. 1806.

SECT. III. *And be it further enacted by the authority aforesaid,* That the township of Fan, in the county of York aforesaid, shall be a separate election district, and the electors therein shall hold their general elections at the house now occupied by the widow Cunningham, in said township. Fan township, in said county, made a separate district, and place of elections.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the electors in the township of Chansford, in the county aforesaid, shall be a separate election district, and shall hold their general elections at the house now occupied by Charles William Porter, in said township. Place of elections in the township of Chansford county aforesaid.

SECT. V. *And be it further enacted by the authority aforesaid,* That the electors of the third election district, in the county of Berks shall hold their elections at the house of Abraham Bailey, in the town of Hamburgh in said county. Place of elections in the third district, Berks county.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the electors residing within the second election district, in the county of Northampton, shall hold their general elections at the house now occupied by George Sevitz, innkeeper, in the town of Northampton. Place of elections in the second district. Northampton county.

SECT. VII. *And be it further enacted by the authority aforesaid,* That Moore township, and that part of Allen township lying north of the road leading from Easton, by Michael Myers, to Frederick Nagle's, and from thence a direct line to Henry Beil's mill, near the river Lehigh, in the county of Northampton, shall be erected into a separate election district, and shall be called Mensh's district, and the electors thereof shall hold their general elections at the house now occupied by Abraham Mensh, in Allen township aforesaid, any law to the contrary notwithstanding. Mensh's district in said county erected, and place of holding elections.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That all that part of the townships of Morris, Amwell, and West-Bethlehem, in the county of Washington, as included within the following bounds, *to wit* : Beginning at the south-west corner of Morris township, where it joins the line of Greene county ; thence along said line to where the road leading from the town of Washington to Muddy creek crosses the same ; thence up said road to where the road from Gantz's mill intersects the same ; thence along Gantz's road to Amwell township line ; thence along said line to the mouth of Brush-run ; thence along the road leading to Demas Lindsley's mill, on the middle fork of Ten Mile creek, to said mill ; thence to Caleb Lindsley's ; thence to Jacob Bobbitt's, or near the west line of Morris township ; and thence along said line to the place of beginning inclusive, shall be an election district, to be called the tenth district, and the electors thereof shall hold their general elections at the dwelling house lately occupied by Ziba Cook, esquire, in the town of Amity, in said district. The tenth district erected in Washington county, and place of holding elections.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the county of Jefferson shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Joseph Barnet, on Sandy Lick, in said county. Jefferson county made one election district.

1806.

Southampton township, in the county of Bedford, to be a separate district. The ninth district erected in Montgomery county, &c.

SECT. X. *And be it further enacted by the authority aforesaid,* That the township of Southampton, in the county of Bedford, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Jacob Adams in said township.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the township of Lower Merion, in the county of Montgomery, be, and the same is hereby erected into a separate election district, to be called the ninth district, and the citizens thereof shall hold their general elections at the house now occupied by Titus Yerkes, in the township aforesaid.

The township of Franconia, in said county, annexed to the fourth district, &c.

SECT. XII. *And be it further enacted by the authority aforesaid,* That the township of Franconia, in the county of Montgomery, shall be annexed to the fourth election district of that county, and the electors thereof shall hold their general elections at the house now occupied by John Hughes, in Towamensing township, in the county aforesaid, any law to the contrary notwithstanding.

Nicholson's district, in the county of Luzerne, erected, and place of elections.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That so much of Willingsborough, and Tunkhannock election districts, in the county of Luzerne, as is comprised within the following boundaries, *to wit* : Beginning at the mouth of Bartholomew's Creek, running south to the Hickory Ridge ; thence east ten miles ; thence north ten miles ; thence west ten miles ; and thence south to the place of beginning, be, and the same hereby is erected into a separate election district, to be called Nicholson's district, and the electors within the same shall hold their general elections at the house now occupied by Ebenezer Stevens, in said district.

Place of elections in Tunkhannock district.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That the electors of Tunkhannock district, in the county of Luzerne, shall hold their general elections at the house now occupied by John Mc'Cord, in said district, any former law to the contrary thereof notwithstanding.

The ninth district, in Huntingdon county erected, and place of holding elections therein.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That the following bounds being part of the third and fourth election districts, in the county of Huntingdon, be, and the same is hereby erected into a separate election district, to be called the Ninth district, *viz.* Beginning at Miligan's Gap, in the Bald Eagle ridge or Brushy mountain, and thence a straight line so as to include John Glassgowe's farm to the north, to the summit of the Allegheny mountain ; thence along the said mountain to the line of Centre county ; thence along the line of Centre county, to the summit of Bald Eagle ridge or Brushy mountain ; thence along the summit of said mountain to the place of beginning, and that the electors of said district, shall hold their elections at the house now occupied by Thomas Rickets, in the said district.

Annexation to Beaver town election district, and place of elections.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That the electors included within the following bounds, that is, beginning on the Ohio, opposite the Grape island ; thence to James Ingles inclusive ; thence to George Bruce's inclusive ; thence to the mouth of Logs-town run, on said river ; thence down the same to the place of beginning, be, and they are hereby annexed to the Beaver town election district, and shall hereafter hold their general

elections at the house now occupied by Samuel Johnston, junior, in 1806.
Beaver town, in the county of Beaver.

SECT. XVII. *And be it further enacted by the authority aforesaid,* Place of elections in the first district, Butler county.
That the electors residing within the first election district, in Butler county, shall hereafter hold their general elections at the house now occupied by Adam Funk, in said district.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* Buffalo township, in the said county made a separate district, &c.
That the township of Buffalo, in the county of Butler shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Benjamin Server, in said township.

SECT. XIX. *And be it further enacted by the authority aforesaid,* The township of Middlesex, in said county, erected into a new district, &c.
That the township of Middlesex, in the county of Butler, shall be a separate election district, and the electors thereof shall hold their general elections at Alexander M'Bride's mill, in said township.

SECT. XX. *And be it further enacted by the authority aforesaid,* Conequenessing and Muddy creek townships to be a separate district, &c.
That the townships of Conequenessing and Muddy creek, in the county of Butler, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Matthew White, in Conequenessing township.

SECT. XXI. *And be it further enacted by the authority aforesaid,* The township of Armagh, in Mifflin county, to be a new district, &c.
That the township of Armagh, in Mifflin county, shall be an election district, and the electors thereof shall hold their elections at the house now occupied by George M'Candless, in said township.

SECT. XXII. *And be it further enacted by the authority aforesaid,* Place of elections in Elklick township, Somerset county.
That the electors of the township of Elklick, in the county of Somerset, shall hold their general elections at the house now occupied by Martin Weymer, jun. in the village of Salisbury, in said township, any law or custom to the contrary notwithstanding.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* Place of elections in Burlington district, Lycoming county.
That the electors of the district of Burlington, in the county of Lycoming, shall hold their general elections at the house now occupied by Nathaniel Allen, in said district.

SECT. XXIV. *And be it further enacted by the authority aforesaid,* Sixth district erected in Greene county, and place of elections therein.
That the following described part of Greene county, viz. Beginning at the house of John Meredith; thence along the Morgantown road to the head of Shannon's run; thence down said run to its mouth; thence up Dunkard's creek to the state line; thence along the line to the south-west corner of the state; thence along the west boundary of the state to the Fifth district; thence along the Fifth district to Franklin township; thence along the line of Franklin to the house of John Meredith aforesaid, shall be a separate election district, to be called the Sixth district, and the electors thereof shall hold their general elections at the house of John M'Kee, in said district.

SECT. XXV. *And be it further enacted by the authority aforesaid,* Annexation to Waynesburg district, in said county, and place of elections.
That all that part of Whitely district, in said county of Greene, which lies west of the following line, viz. the road leading from Vernon's mill to Lantz's mill; thence a straight line to the forks of Whitely creek, and thence a straight line to the head of Smith's creek, is hereby annexed to the Waynesburgh district, and the

1806. electors, shall hold their general elections at the court-house, in
Waynesburgh.

Place of elec-
tions in the
second dis-
trict, Centre
county.

SECT. XXVI. *And be it further enacted by the authority aforesaid,* That the electors of the Second election district, composed of the townships of Potters and Forguson, in Centre county, shall hold their general elections at the house now occupied by John Irwin, in said district.

A new dis-
trict erected
in Crawford
county, and
place of elec-
tions there-
in.

SECT. XXVII. *And be it further enacted by the authority aforesaid,* That the following described part of Crawford county, be, and the same is hereby erected into a separate election district, *to wit*: Beginning at the north-east corner of Crawford county; thence westwardly along the line dividing Erie and Crawford counties to the old State road, leading from Fort Franklin to Waterford; thence southwardly along the same to the southern verge or line of the Eighth Donation district; thence along the same eastwardly and on the same line of direction to the line which divides the counties of Warren and Crawford, and thence along the same to the place of beginning; and the electors thereof shall hereafter hold their general elections at the house now occupied by Shadlock Negus, any law or laws to the contrary notwithstanding.

Part of Sads-
bury town-
ship, in
Crawford
county, an-
nexed to
Mead dis-
trict, and
place of elec-
tions.

SECT. XXVIII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the following described part of Sadsbury township, in Crawford county, be and the same is hereby annexed to Mead election district, *to wit*: Beginning at the north-west corner of a tract of land, on which Matthew Wilson formerly lived; thence south to the south-east corner of a tract of land, originally surveyed under a warrant in the name of Israel Israel; thence due west to the little Conneaut creek; thence up the said creek to the south-east corner of the tract of land on which Abner Evans now lives; thence along or near the south side of the Conneaut lake, due north, to the line which divides Sadsbury and Cussawago townships, at or near the place where Randolph Freeman now lives; thence east along said line to the place it intersects the line dividing Sadsbury and Mead townships; thence along the said line to the place of beginning, and the electors thereof shall hold their general elections at the court-house in the town of Meadville, any law or laws to the contrary notwithstanding.

Part of Mead
township, in
said county,
annexed to
Henning-
ton's district,
&c.

SECT. XXIX. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, that the following described part of Mead township, in the county of Crawford: *viz.* Beginning at the north-east corner of Fairfield township; thence by a direct line to the north-west corner of a donation tract of land number one hundred and twenty; thence along the north end of a range of donation tracts on an eastwardly course to the line dividing the counties of Venango and Crawford; thence along the lines dividing the counties of Venango and Mercer from the county of Crawford to the south-east corner of Fairfield township, be, and the same is hereby annexed to Hennington's election district, and the electors thereof shall hold their general elections at the house now occupied by James Hennington, in Fairfield township, any law to the contrary notwithstanding.

SECT. xxx. *And be it further enacted by the authority aforesaid,* 1806.
That the township of Oxford, in the county of Philadelphia, shall be, and is hereby erected into a separate election district, and the qualified electors residing therein shall meet and hold their general elections at the Frankford Academy, in the borough of Frankford and township of Oxford aforesaid.

Oxford township, Philadelphia county, made a separate district, &c.

SECT. xxxi. *And be it further enacted by the authority aforesaid,*
That the said election district, and the election district from which it is taken, shall each of them be entitled to three judges of election respectively, and no more.

Number of judges allowed to said district, and the district from which it is taken.

Passed 31st March, 1806.—Recorded in Law Book No. X. page 396.

CHAPTER MMDCCXVII.

An ACT to restrain the horrid practice of Duelling.

[See the notes to chap. 1805, vol. 9, p. 531.]

WHEREAS the laws heretofore passed to restrain the horrid practice of duelling have proved insufficient, and many citizens of this commonwealth, and others, have found means to evade the penalties of such offences, and instigated by deadly feuds have committed murder upon mistaken principles of honour, and have escaped punishment by reason of the difficulty of procuring evidence of the facts : For remedy whereof,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That if any person within this commonwealth shall challenge by word or writing the person of another to fight at sword, rapier, pistol or other deadly weapon, or if any person so challenged shall accept the said challenge, in either case, such person so giving, or sending, or receiving any such challenge, shall for such offence, being thereof lawfully convicted in any court of record within this commonwealth, by the testimony of one or more witnesses, or by confession, forfeit and pay the sum of five hundred dollars, and shall suffer one year's imprisonment at hard labour, in the same manner as convicted felons are now punished, and moreover shall forfeit and be deprived of all rights of citizenship within this commonwealth for the term of seven years.

Penalty on giving or accepting a challenge to fight a duel.

SECT. II. *And be it further enacted by the authority aforesaid,* That if any person shall willingly and knowingly carry and deliver any written challenge, or shall verbally deliver any message, purporting to be a challenge, or shall consent to be a second in any such intended duel, and shall be thereof legally convicted as aforesaid, he or they so offending shall for every such offence forfeit and pay the sum of five hundred dollars, and suffer one year's imprisonment at hard labour, in the same manner as convicted felons are now punished, and moreover shall for ever thereafter be rendered incapable of holding any office of honour, trust or profit within this commonwealth, which incapacity shall be declared and made part of the judgment of the court.

On carrying such challenge, or consenting to be a second in the duel.

1806.

What form of indictment shall be sufficient against the principal and seconds in a duel.

And proof sufficient to induce a conviction.

Penalty on third persons having knowledge of a challenge given and concealing the fact.

Penalty on publishing or posting any one for not accepting a challenge, &c.

Repeal of former laws hereby altered or supplied.

SECT. III. *And be it further enacted by the authority aforesaid,* That in any case it shall be sufficient to form an indictment, generally, against either of the principals for challenging another, to fight at deadly weapons, and notwithstanding it may appear on the trial that the defendant only accepted the challenge, it shall be sufficient to convict and render him liable to the penalties of this act, and in like manner an indictment against the seconds may be framed generally for carrying and delivering a challenge and proof of the mere act of fighting, and the defendant being present thereat shall be sufficient to convict the defendant upon an indictment so framed, and if the duel shall take place within this commonwealth the mere fact of fighting shall be full and complete evidence of the charges respectively of giving or receiving, or of carrying and delivering a challenge without other proof thereof.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if any person shall have knowledge of any challenge to fight with any deadly weapons given or received, or in any manner be witness to the fact of such challenge, duel, or fighting, not being a second thereat, or party criminal therein, and shall conceal the same, and do not inform thereof, he or she shall be guilty of a misdemeanor, and upon conviction thereof shall be adjudged to pay a fine of fifty dollars, and moreover suffer nine months imprisonment without bail or mainprize.

SECT. V. *And be it further enacted by the authority aforesaid,* That if any person or persons shall presume to publish in any newspaper, or post by hand-bills written or printed, or otherwise, any other person or persons as a coward or cowards, rascal or rascals, liar or liars, or use any other irritating abusive language for not accepting a challenge, or fighting a duel, such person or persons shall for such offence, being thereof convicted, be subject to the same punishment as though he or they had fought a duel, as provided by the first section of this act, and the publisher or printer shall in all prosecutions under this section be summoned as a witness, and accepted by the courts as a good witness against the writer or writers of such publication or hand-bill; and if the said printer or printers when summoned before the court, shall refuse to give up the writers' name or names, the court shall consider him or them as the author or authors thereof, and proceed to punish him or them accordingly.

SECT. VI. *And be it further enacted by the authority aforesaid,* That any law or laws which are hereby altered or supplied, be, and the same are hereby repealed.

Passed 31st March, 1806.—Recorded in Law Book No. X. page 402.

CHAPTER MMDCCXVIII.

An ACT making appropriations, and for other purposes therein mentioned.

SECT. I. OBSOLETE.

SECT. II. And whereas disputes have arisen between the Pennsylvania claimants, respecting their titles to some parts of the lands

embraced by the act, passed the fourth day of April, one thousand seven hundred and ninety-nine, and the several supplements thereto, and in consequence of such disputes many of the certificates to be issued under the said acts, have not and probably will not soon issue: And whereas there is a sufficiency of money in the treasury, to pay and discharge the debts incurred on the part of the state, by virtue of the aforesaid acts, and it being unreasonable that the state should pay interest on a debt which it is thus ready and willing to pay: Therefore, *Be it further enacted by the authority aforesaid,* That no interest shall hereafter accrue on the debts due from the state to Pennsylvania claimants, by virtue of the act, passed the fourth day of April, one thousand seven hundred and ninety-nine, or by virtue of any supplement passed to the aforesaid act.

1806.
No interest hereafter to be allowed to the Pennsylvania claimants.

SECT. III. Obsolete.

Passed 31st March, 1806.—Recorded in Law Book No. X. page 404.

CHAPTER MMDCCXX.

An ACT for the more speedy and effectual collection of certain debts due to this commonwealth.

SECT. 1. [COMMISSIONERS appointed with powers to procure copies of deeds and other writings, relating to the real estate of John Nicholson. (Obsolete.) 2. The commissioners to receive on application copies of all necessary papers, from the land officers, without fees. (Obsolete.) 3. To ascertain as near as may be, the quality and extent of the estate of John Nicholson in each county, subject to the lien of the commonwealth. (Obsolete.) 4. To average the demand of the commonwealth on the several estates subject to the lien, and make report to the Governor, who shall cause the same to be sold, &c. on payment of the sum assessed on any particular estate by any person claiming an interest therein, the commissioners empowered to convey to such person, the estate or lien thereon. 5. Where the commissioners shall be authorized to compromise with individuals or the managers of land companies. 6. In what cases the commissioners may purchase in the property for the use of the state.] [4th, 5th, and 6th sections, repealed and supplied. See note.] 7. [Commissioners to take oath or affirmation for the faithful discharge of their duties. (Obsolete.) 8. Their compensation. (Obsolete.) 9. Empowered to recover by due course of law books and papers, &c. (Obsolete.) 10. Commissioners of the several counties prohibited from selling any of the lands of John Nicholson for taxes. (Obsolete.)]

SECT. XI. *And be it further enacted by the authority aforesaid,* That in any case where the said John Nicholson, in his life time, had or held lands in partnership, or in common with any other person or persons, the said commissioners, or a majority of them, are hereby authorized to cause partition to be made of the said land by writ, or otherwise, in order to ascertain the respective interests of the said part owners, as well as the separate interest of the said John Nicholson, and if it shall be necessary to make said

Commissioners empowered to cause partition to be made of the partnership lands of John Nicholson.

1806. partition by writ, in case of disagreement between the parties, the said commissioners or a majority of them, shall be made parties to such writ either plaintiffs or defendants, and such partition so made shall be as available in law, as if the same had been made by the said John Nicholson, in his life time, and the costs thereof, shall be paid equally by the parties as in other cases, and the said commissioners shall be allowed for their part of such costs in the settlement of their accounts. (a)

Passed 31st March, 1806.—Recorded in Law Book No. X. page 407.

(a) See a supplement to this act, (post. chap. 2774,) 19th March, 1807, containing sundry new provisions, and repealing the 4th, 5th, and 6th sections in the foregoing act.

And a further supplement, (post. chap. 2939,) 24th March, 1808, giving certain powers to persons who had or might compromise with the commis-

sioners; allowing commissions to the commissioners on the amount of the monies bidden for lands purchased for the commonwealth, and enjoining certain duties on the state treasurer.

See also an act passed 19th March, 1810, for the payment of the taxes due on the lands sold, prior to the sale.

ACTS

OF THE

General Assembly of Pennsylvania.

Passed at a session which was begun and held at Lancaster on Tuesday, December 2d, 1806, and from thence continued until April 13th, 1807, (inclusive.)

THOMAS M'KEAN, GOVERNOR.
PRESLY CARR LANE, SPEAKER OF THE SENATE.
SIMON SNYDER, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

1807.

CHAPTER MMDCCXXI.

An ACT to encourage the killing of Panthers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, a reward of eight dollars for killing every full grown panther, and four dollars for killing every panther whelp, within any county of this commonwealth, shall be allowed to every person killing such panther or panthers; to be recovered and paid agreeably to the provisions of an act, entitled "An act to encourage the killing of wolves," passed the tenth day of March, anno Domini one thousand eight hundred and six; on proof of the facts according to the directions of the said act.

Premium allowed for killing panthers.

Passed 12th January, 1807.—Recorded in Law Book No. X. page 413.

CHAPTER MMDCCXXVI.

A SUPPLEMENT to the act, entitled "An act to alter the Judiciary System of this Commonwealth," and to alter the time of holding the Courts of Common Pleas and Quarter Sessions, and Orphans Court in the County of Washington.

[Original act ante. pa. 270.]

SECT. 1. [IN certain cases, in the court of errors and appeals where abatements have or shall happen by the death of plaintiffs, the surviving plaintiffs, or their representatives enabled to take out new writs of error, &c. 2. Judges of said court authorized to hold an additional term, if necessary. 3. The presidents of the courts of common pleas, in all the districts, constituted judges of the high court of errors and appeals. (Obsolete.)]

1807.

Of issuing writs of certiorari for the removal of causes to the supreme or circuit courts.

SECT. IV. *And be it further enacted by the authority aforesaid,* That any writ of certiorari issued since the passing of the act to which this is a supplement, for the removal of any cause to the supreme or circuit courts, on or before the first day of the next term after the original process therein shall have been returnable, shall be deemed to have legally issued; and from and after the passing of this act, it shall be lawful to issue writs of certiorari, to remove causes to the supreme or circuit courts at any time during the next term after the writ or process therein shall have been returnable, subject nevertheless to all other restrictions contained in the twentieth section of the said act.

Alteration of the time of holding the courts of common pleas, &c. in the county of Washington.

SECT. V. Whereas, inconveniences have arisen in the county of Washington, from the courts of common pleas in that county, being held at the same time that the supreme court is held in Pittsburg in the county adjoining: Therefore, *Be it further enacted by the authority aforesaid,* That from and after the next April term, the courts of common pleas, quarter sessions of the peace and orphans court for the county of Washington, shall be held on the week preceding the courts in the county of Beaver.

Passed 12th January, 1807.—Recorded in Law Book No. X. page 416.

CHAPTER MMDCCXXVII.

[Ante. pa. 215.]

An ACT SUPPLEMENTARY to an act, entitled “An act directing the sale of certain town lots in the town of Beaver, and other lands adjacent thereto.”

The commissioners for the sale of lots in the town of Beaver authorized to sue for the purchase money, &c.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That John Lawrence of Beaver town, Samuel Wilson and David Potter of Beaver county, commissioners appointed by law to sell certain town lots in the town of Beaver, and other land adjacent thereto, be, and they are hereby authorized to sue for and recover in the name of the commonwealth, the first moiety of the purchase-money for the lots and land aforesaid, under the act to which this is a supplement; and upon recovery thereof, and on receipt of the debt and costs to enter satisfaction upon the record thereof.

Passed 12th January, 1807.—Recorded in Law Book No. X. page 417.

CHAPTER MMDCCXXVIII.

An ACT for the relief of James Oglivia. (b)

Passed 26th January, 1807.—Recorded in Law Book No. X. page 418.

(b) By this act an annuity of 50 dollars is granted to James Oglivia, commencing January 1st, 1807, payable half yearly, &c. (Note to former edition.)

CHAPTER MMDCXXXIII.

1807.

An ACT to authorize the governor to incorporate a company for making an artificial road by the nearest and best route, through the counties of Wayne and Luzerne, beginning at the river Delaware where the proposed bridge is to be built near the town of Milford, thence through the said town and the counties aforesaid to or near to the forty-third mile-stone, in the north line of the State.

SECT. 1. [COMMISSIONERS appointed to open books and receive subscriptions to the Milford and Owego turnpike road. Form of subscription. Notice to be given of the times and places of subscription. Who may subscribe, &c. Commissioners may adjourn from time to time until two thousand shares are subscribed. Subscribers to pay a deposit of five dollars for each share subscribed. 2. When a certain number of shares are subscribed, commissioners to certify to the governor, who may thereupon incorporate them, by the name, style and title of "The President, Managers and Company of the Milford and Owego Turnpike Road," and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation. 3. Commissioners to notify the subscribers to meet and organize the corporation. Officers to be chosen. Of the by-laws. To be entitled to like tolls and profits as are granted to the Coshecton and Great Bend turnpike company, (ante, pa. 176.) Compensation to be made to persons injured by reason of the road passing through their lands.]

Passed 26th January, 1807.—Recorded in Law Book No. X. page 421.

CHAPTER MMDCXXXIV.

An ACT to afford immediate relief to Dennis M'Knight, a soldier during the revolutionary war, and to grant him an annuity. (c)

Passed 26th January, 1807.—Recorded in Law Book No. X. page 424.

(c) An annuity of 40 dollars is granted to Dennis M'Knight, commencing January 1st, 1807, payable half yearly, &c. (Note to former edition.)

CHAPTER MMDCXXXV.

An ACT to establish a public Ferry on the west side of the river Susquehanna, about eight miles above the mouth of Juniata river, in Cumberland county, and to vest the right thereof in Mary Clark, her heirs and assigns.

SECT. 1. [MARY CLARK authorized to establish a ferry over the Susquehanna. Provided she do not trespass on the lands of others.]

Passed 26th January, 1807.—Recorded in Law Book No. X. page 424.

1807.

CHAPTER MMDCCXXXVI.

An ACT to organize the provisional county of Cambria.[Ante. pa.
370.]Cambria
county to en-
joy similar
powers and
rights with
other coun-
ties.Of the trans-
ferring of
suits, pend-
ing in the
courts of So-
merset coun-
ty, to the
courts of
Cambria
county.Duties en-
joined on the
prothonotary
of Somerset
county.Fees to be
paid him by
the protho-
notary of
Cambria
county, and
to be reim-
bursed to
him by said
county.Prothonota-
ry of Cam-
bria further
to account
with the pro-
thonotary of
Somerset.Sheriff, &c.
of Somerset
to act within

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the first Monday in November next, the inhabitants of Cambria county shall enjoy all and singular, the jurisdiction, powers, rights, liberties and privileges within the same, which the inhabitants of other counties in this state do enjoy by the constitution and laws of this commonwealth.

SECT. II. *And be it further enacted by the authority aforesaid, That* actions of trespass and ejectment for the trial of titles to land, actions of trespass *quare clausum fregit* for entry into any lands or tenements within the county of Cambria, which shall at the time of passing of this act, or before the first Monday in November next, have been commenced in the court of common pleas or circuit court of Somerset county, and which shall on the said first Monday of November next be still pending and undetermined, shall be transferred to the court of common pleas and circuit court of Cambria county, there to be proceeded on to trial and determination according to law, in the same state, and subject to the same rules, as they or any of them were on the said Monday; and the prothonotary of Somerset county shall, and he is hereby enjoined within thirty days after the said first Monday of November next, to make out a docket, containing a statement of all such actions then pending, and undetermined in the said county of Somerset, and shall have the said docket, together with the records, declarations, and other papers respecting all such actions then pending and undetermined as aforesaid, ready to be delivered to the prothonotary of Cambria county, who before he receives the same, shall pay to the prothonotary of Somerset county for every action contained in said docket, the usual fees allowed for similar services, which shall be reimbursed to him by the county of Cambria; and all such actions so pending and undetermined as aforesaid, and transferred as aforesaid by the prothonotary of Somerset county, to the prothonotary of Cambria county, shall be considered as pending in the court of common pleas and circuit court of Cambria county, from and after the first Monday of November next, as if they had been originally commenced in said county; and the prothonotary of Cambria county shall account on the receipt of the costs of all such actions, or any of them, to the prothonotary of Somerset county, for all legal fees incurred in the county of Somerset on such actions or any of them, and no action or suit other than the said actions of trespass and ejectment, or trespass *quare clausum fregit*, now commenced, or which may be commenced in the county of Somerset, before the first Monday of November next, against any person living or residing in Cambria county, shall be stayed, discontinued or affected by this act, or any thing herein contained, but the same may be prosecuted in the same manner as if this act had not been passed.

SECT. III. *And be it further enacted by the authority aforesaid, That* the sheriff, coroner, and other public officers of Somerset

county, shall continue to exercise the duties of their respective offices within the county of Cambria as heretofore, until the first Monday of November next.

1807.

Cambria until the first Monday of November.

County officers to give security, &c.

SECT. IV. *And be it further enacted by the authority aforesaid,* That sheriffs, coroners, treasurers, and all such other officers as have heretofore usually given security for the faithful discharge of the duties of their respective offices, who shall be hereafter elected or appointed in the county of Cambria, before they enter on the duties of their offices, shall give sufficient sureties in the like sums, and in the like manner and form, and for the like purposes, uses, and trusts as such officers are obliged to do in the county of Crawford, or for such sums, or in such manner as may hereafter be directed by law.

SECT. V. *And be it further enacted by the authority aforesaid,* That all taxes laid, or directed to be laid within the county of Cambria, before the passing of this act, shall be laid, assessed, levied, collected, and recovered in the same manner as if this act had not been passed; and all sums of money due this commonwealth for militia fines in the said county of Cambria, and arrearages of taxes shall be collected and recovered in the same manner as if this act had not been made.

Of assessing and levying taxes within the county of Cambria.

SECT. VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners that may be hereafter elected for the county of Cambria, to erect, or cause to be erected, as soon as they may deem expedient, a court-house, prison, and public buildings for the safe keeping of the records and other public papers appertaining to, or in the county aforesaid, in such parts of the public square or lots adjoining the same, as they may think fit to purchase for said court-house, or other public county buildings, in the town of Ebensburg, in the county of Cambria, as the commissioners of said county may think proper; and the commissioners of Somerset and Cambria counties, are hereby directed to examine, liquidate, and settle the accounts which have been kept of the county taxes, agreeably to an act of the General Assembly of this commonwealth, passed the twelfth day of March, one thousand eight hundred and one, and having ascertained the balance which may be due from either county to the other, the commissioners of the debtor county, shall draw an order on their treasurer, directing him to pay the treasurer of the creditor county, the balance which shall be so found due.

Of erecting public buildings for said county.

Of liquidating and settling the balance of county taxes between the counties of Somerset and Cambria.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the commissioners of Cambria county, shall have power to procure a house, in or as near the town of Ebensburg as convenience will admit, at the least possible expense, in which the courts of said county shall be held, until a court-house is erected; or if such house cannot be procured, the aforesaid commissioners shall have power to erect temporary buildings in said county for that purpose.

A temporary house to be procured for holding the county courts in.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the citizens, inhabitants of Cambria county, who are, or shall be qualified to elect, agreeably to the laws and constitution of this State, shall, at the general election to be held in the county aforesaid, on the second Tuesday in October next, choose two fit persons for sheriffs, two for coroners, and three for commissioners in said

Of the election of county officers, &c.

1807. county, in the same manner, and under the same regulations and penalties, as by the constitution and laws of this commonwealth, similar officers are chosen in other counties, and said officers when chosen as aforesaid, and duly qualified to enter on the duties of their respective offices, shall have and enjoy all and singular the powers, authorities, privileges and emoluments in, or any way arising out of their respective offices in and for the county aforesaid, as fully as such officers are entitled to in any of the counties within this commonwealth.

When the county courts are to be holden, &c.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the Courts of Common Pleas and Quarter Sessions of the Peace, for the county of Cambria, shall from and after the first Monday of November next, commence and be holden on the first Mondays in March, June, September, and December, and the Judges of the Supreme Court, the President of the Tenth District or Circuit, and the Judges to be appointed in the said county of Cambria, shall have and exercise like powers, jurisdictions and authorities within and over the same, as are or may be warranted to, and exercised by the Judges in other counties within this state.

Passed 26th January, 1807.—Recorded in Law Book No. X. page 425.

CHAPTER MMDCCLXXXVII.

An ACT to enable aliens in certain cases to purchase and hold real estate within this commonwealth.

Alien friends resident within the commonwealth, empowered to purchase and hold real estate;

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall and may be lawful for any alien or aliens, actually resident within this commonwealth, and not being the subject or subjects of some sovereign state or power, which is or shall be at the time or times of such purchase or purchases at war with the United States of America, to purchase lands, tenements and hereditaments within this commonwealth, and to have and to hold the same in fee simple, or for any lesser estate as fully to all intents and purposes as any natural born citizen or citizens may or can do: *Provided always,* That such alien or aliens shall previously to such purchase or purchases, declare his or their intention to become a citizen or citizens of the United States, agreeably to any law of the United States, at that time in force upon that subject: *And provided also,* That no such alien or aliens shall be competent to purchase and hold more than five hundred acres, until he or they shall have actually become a citizen or citizens of the United States.

Provided such aliens have declared their intention to become citizens, agreeably to the act of Congress, &c.

Purchases heretofore made by alien friends resident as aforesaid, having declared their intention to

SECT. II. *And be it further enacted by the authority aforesaid,* That where any alien or aliens resident as aforesaid, may heretofore have purchased any land or other real estate within this commonwealth, after having declared his intention to become a citizen, in conformity with an act of Congress at that time in force upon that subject, the same purchase shall be as valid to all intents and pur-

poses, and shall be construed to vest the said land or real estate in the said alien or aliens, as fully and absolutely as though the said declaration had been made in conformity to the act of Congress, entitled, "An act supplementary to, and to amend the act entitled, "An act to establish a uniform rule of naturalization, and to repeal the act heretofore passed upon that subject," passed the eighteenth day of June, one thousand seven hundred and ninety-eight. 1807.

become citizens, agreeably to the act of Congress then in force declared valid.

SECT. III. *And be it further enacted by the authority aforesaid,* That so much of any act heretofore passed upon this subject, as is hereby altered or supplied be and the same hereby is repealed. (d) Former acts hereby altered... repealed.

Passed 10th February, 1807.—Recorded in Law Book No. X. page 428.

(d) The act in the text, and the supplement to the act regulating escheats are the only existing laws respecting aliens. But as a large number of titles in this commonwealth are held under aliens, and naturalized foreigners, it is considered to be necessary to give a retrospective view of the whole law on the subject.

The British statute of 13th Geo. II. (chap. 7.) furnished the general rule for naturalizing such foreign protestants, and others therein mentioned, as were settled, or should settle, in the then colonies of America. An act of Pennsylvania was passed, however, on the 3d February, 1742—43, (chap. 359,) to extend, under certain formalities, the rights of naturalization to persons, who, although not of the people called Quakers, conscientiously refused taking an oath. But on the establishment of the Revolution, all these provisions were superseded, by a constitutional declaration, in the 42d section of the old frame of government, that "every foreigner of good character, who comes to settle in this state, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold, and transfer land, or other real estate, and after one year's residence, shall be deemed a free denizen thereof, and entitled to all the rights of a natural born subject of this state, except that he shall not be capable of being elected a Representative until after two years residence." During the continuance of the test-laws one common oath or affirmation of allegiance was prescribed to aliens who wished to acquire, and to natives who wished to exercise, the rights of citizenship; but when the act of the thirteenth of March, 1789 abolished a test of allegiance as to the inhabitants of the commonwealth in general, it introduced a new test as to emigrants in particular, referring expressly to the constitutional provision above cited. To the Federal Govern-

ment, however, the power of establishing a uniform rule of naturalization has been assigned, by the 8th section of the first article of the Constitution; and that rule has, accordingly, been declared by several acts of Congress since passed on that subject. The present constitution of the state contains no positive description of the requisites to constitute a citizen of Pennsylvania; but in describing the qualifications of members of the Legislature, and of electors, it incidentally confines the privilege of electing, or of being elected, to citizens and freemen, who have previously resided a specified period within the state, &c. Whether, indeed, an emigrant can in any other manner become a citizen of Pennsylvania, than by pursuing the forms which will make him a citizen of the United States, is a question of some importance; as the magistrates continued the practice of administering to foreigners the oath prescribed by the act of the 13th of March, 1789, though that act seems naturally to have expired with the constitution upon which it is essentially founded.

It is true, that in the case of *Collet v. Collet*, the Circuit Court were of opinion, that the constitutional power of Congress to establish a uniform rule of naturalization, did not preclude the several states from the exercise of a similar power within their respective jurisdictions; but the adjudications of the courts of Pennsylvania have considered the act of the 13th of March, 1789, as designed merely to effectuate the provision in the 42d section of the old constitution; and that, of course, when the foundation was removed, the superstructure was, likewise, virtually destroyed. It may not be improper, in order to complete this general view of the subject, to observe, that an act was passed on the thirty-first of August, 1778, for making valid the title of lands held under such alien emigrants to America, as had previously died without being naturalized; and

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that several subsequent acts have been passed to enable aliens to purchase, take, hold, and dispose of real and personal estate, within this commonwealth. (*Note by Mr. Dallas.*)

By an act passed 11th February, 1789, (chap. 1376,) from the date of that act, until the 1st January, 1792, it was made lawful for all and every foreigner and foreigners, alien or aliens, not being the subject, or subjects of some sovereign state or power, which is, or shall be, at the time or times of such purchase or purchases, at war with the United States of America, to purchase lands, tenements and hereditaments, within this commonwealth, and to have and to hold the same to them, their heirs and assigns, for ever, as fully, to all intents and purposes, as any natural born subject, or subjects, may or can do.

This act having expired, was revived and continued for three years, and from thence to the end of the next session of the General Assembly, by act of 8th March, 1792, (chap. 1596,) and by act of 12th February, 1795, (chap. 1784,) it was continued for two years longer, when it was permitted to expire.

Again, By an act passed 11th April, 1799, (chap. 2097,) it was enacted, that from and after the passing of this act, it shall and may be lawful for each and every foreigner or foreigners, alien or aliens, not being the subject or subjects of some foreign state or power, which is, or shall be, at the time or times of such purchase or purchases, at war with the United States of America, to purchase lands, tenements and hereditaments, within this commonwealth, and to have and to hold the same in fee simple, or for any lesser estate, as fully, to all intents and purposes, as any natural born citizen, or citizens may or can do; *Provided*, That any foreigner or foreigners, alien or aliens, shall previously to such purchase or purchases, declare his or their intention to become a citizen or citizens, agreeably to the act of Congress, entitled "An act supplementary to, and to amend the act, entitled an act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on the subject," passed 18th June, 1798.

§ 2. Any foreigner or foreigners, alien or aliens, who has or have already made any *bona fide* contract, or contracts, or received any patent or patents, or other deed of conveyance, for or on account of the purchase of any lands, tenements or hereditaments, within this commonwealth, may and shall take and hold the same in fee simple, or for any lesser estate, according

to the nature of his, her or their several and respective contracts, patents, or deeds of conveyance, as fully, to all intents and purposes, as any natural born citizen or citizens might or could do, any law, usage or custom, to the contrary in any wise notwithstanding.

This latter act is supplied, and repealed by the act in the text.

The act of Congress referred to in the first section of the act of 11th April, 1799, is repealed and supplied by an act passed 14th April, 1802, which is incorporated in this note for the purpose of connecting the whole law on the subject

An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject.

Be it enacted, &c. That any alien being a free white person, may be admitted to become a citizen of the United States, or any of them, on the following conditions, and not otherwise:—

First, That he shall have declared, on oath or affirmation, before the Supreme, Superior, District or Circuit Court of some one of the states or of the territorial districts of the United States, or a Circuit or District Court of the United States, three years at least, before his admission, that it was, *bona fide*, his intention to become a citizen of the United States, and to renounce for ever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and particularly, by name, the prince, potentate, state or sovereignty whereof such alien may, at the time, be a citizen or subject.

Secondly, That he shall, at the time of his application to be admitted, declare on oath or affirmation, before some one of the courts aforesaid, that he will support the constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever, and particularly, by name, the prince, potentate, state, or sovereignty whereof he was before a citizen or subject, which proceedings shall be recorded by the clerk of the court.

Thirdly, That the court admitting such alien shall be satisfied that he has resided within the United States five years at least, and within the state or territory where such court is at the time held, one year at least; and it shall further appear to their satisfaction, that during that time, he has behaved as a man of a good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and

happiness of the same : *Provided*, That the oath of the applicant shall, in no case, be allowed to prove his residence.

Fourthly, That in case the alien, applying to be admitted to citizenship, shall have borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility, in the court to which his application shall be made which renunciation shall be recorded in the said court ; *Provided*, That no alien, who shall be a native citizen, denizen, or subject of any country, state, or sovereign, with whom the United States shall be at war, at the time of his application, shall be then admitted to be a citizen of the United States ; *Provided also*, That any alien who was residing within the limits, and under the jurisdiction of the United States, before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof made to some one of the courts aforesaid, that he has resided two years, at least, within and under the jurisdiction of the United States, and one year, at least, immediately preceding his application, within the state or territory, where such court is at the time held ; and on his declaring on oath, or affirmation, that he will support the constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, whatever, and particularly by name, the prince, potentate, state or sovereignty, whereof before he was a citizen or subject ; and moreover, on its appearing to the satisfaction of the court, that during the said term of two years, he has behaved as a man of good moral character, attached to the constitution of the United States, and well disposed to the good order and happiness of the same ; and where the alien, applying for admission to citizenship, shall have borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his moreover making in the court an express renunciation of his title or order of nobility, before he shall be entitled to such admission ; all of which proceedings required in this proviso to be performed in the court, shall be recorded by the clerk thereof ; *And provided also*, That any alien who was residing within the limits, and under the jurisdiction of the United States at any time between the said twenty-ninth day of January, one thousand seven hun-

dred and ninety-five, and the eighteenth day of June, one thousand seven hundred and ninety-eight, may, within two years after the passing of this act, be admitted to become a citizen, without a compliance with the first condition above specified.

§ 2. *Provided also, and be it further enacted*, That in addition to the directions aforesaid, all free white persons, being aliens, who may arrive in the United States after the passing of this act, shall, in order to become citizens of the United States, make registry, and obtain certificates, in the following manner, to wit : Every person desirous of being naturalized shall, if of the age of twenty-one years, make report of himself ; or if under the age of twenty-one years, or held in service, shall be reported by his parent, guardian, master or mistress, to the clerk of the District Court of the district where such alien or aliens shall arrive, or to some other court of record of the United States, or of either of the territorial districts of the same, or of a particular state ; and such report shall ascertain the name, birth, place, age, nation and allegiance of each alien, together with the country whence he or she migrated, and the place of his or her intended settlement : and it shall be the duty of such clerk, on receiving such report, to record the same in his office, and to grant to the person making such report, and to each individual concerned therein, whenever he shall be required, a certificate under his hand and seal of office of such report and registry ; and for receiving and registering each report of an individual or family, he shall receive fifty cents : and for each certificate granted pursuant to this act, to an individual or family, fifty cents ; and such certificate shall be exhibited to the court by every alien who may arrive in the United States, after the passing of this act, on his application to be naturalized, as evidence of the time of his arrival within the United States.

§ 3. *And whereas* doubts have arisen whether certain courts of record in some of the states, are included within the description of district or circuit courts ; *Be it further enacted*, that every court of record in any individual state, having common law jurisdiction, and a seal and clerk or prothonotary, shall be considered as a District Court within the meaning of this act ; and every alien, who may have been naturalized in any such court, shall enjoy, from and after the passing of the act, the same rights and privileges, as if he had been naturalized in a district or circuit court of the United States.

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§ 4. *And be it further enacted*, That the children of persons duly naturalized under any of the laws of the United States, or who, previous to the passing of any law on that subject, by the government of the United States, may have become citizens of any one of the said states, under the laws thereof, being under the age of twenty-one years, at the time of their parents' being so naturalized or admitted to the rights of citizenship, shall, if dwelling in the United States, be considered as citizens of the United States, and the children of persons who now are, or have been citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens of the United States: *Provided*, That the right of citizenship shall not descend to persons whose fathers have never resided within the United States: *Provided also*, That no person heretofore proscribed by any state, or who has been legally convicted of having joined the army of Great Britain, during the late war, shall be admitted a citizen, as aforesaid, without the consent of the legislature of the State in which such person was proscribed.

§ 5. *And be it further enacted*, That all acts heretofore passed respecting naturalization, be, and the same are hereby repealed."

"An act in addition to an act entitled "An act to establish an uniform rule of naturalization; and to repeal the acts heretofore passed on that subject."

Be it enacted, &c. That any alien, being a free white person, who was residing within the limits and under the jurisdiction of the United States, at any time between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the fourteenth day of April, one thousand eight hundred and two, and who has continued to reside within the same, may be admitted to become a citizen of the United States, without a compliance with the first condition specified in the first section of the act, entitled "An act to establish an uniform rule of naturalization; and to repeal the acts heretofore passed on that subject."

§ 2. *And be it further enacted*, That when any alien who shall have complied with the first condition specified in the first section of the said original act, and who shall have pursued the directions prescribed in the second section of the said act, may die, before he is actually naturalized, the widow and the children of such alien shall be consider-

ed as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths prescribed by law."

Approved March 26th, 1804.

It thus appears, that the right of aliens to purchase property, unconditionally, expired on the 12th February, 1797. The act of 11th April, 1799, and the act in the text authorize them to acquire real property, under certain conditions and restrictions. But to prevent frequent applications to the legislature for private acts, to cure defects in titles to lands derived through aliens, an act was passed 20th March, 1811, which enacts, that all purchases of real estate made by emigrants resident within this commonwealth previous to declaring their intentions to become citizens of the United States, and who since purchasing the same have been naturalized in conformity with the laws of the United States on that subject, shall be as valid to all intents and purposes, and shall be construed to vest the title to the said real estate, as fully and absolutely as if they had been citizens at the time they purchased the same.

§ 2. That in all cases where aliens have purchased real estate within this commonwealth, and have sold the same to citizens of the United States, the said sales shall be valid to all intents and purposes, and shall be construed to vest the title to the said real estate in the citizens aforesaid, as fully and effectually, as if the said aliens had been citizens at the time of purchasing the same.

Thus stands the law with respect to the purchase of lands by the acts of the aliens themselves. But it would frequently happen that aliens who were thus encouraged by the laws of the country to vest their money in lands, or in the acquisition of real property, would die without leaving heirs in America; would it be just that the commonwealth should benefit by the event, in opposition to the interests of kindred, though resident abroad? or would the right of the alien have been perfect without the power of disposition of the estate he had been permitted to acquire? The liberality of the legislature appears to have provided for the case, by an act passed 23d February, 1791, (chap. 1517, vol. 3, pa. 4,) entitled "A supplement to the act entitled "An act to declare and regulate escheats," as follows.

Whereas it is proper that persons purchasing lands in this state may transmit their possessions to their children, relations or friends, who may still

remain in, and be the subjects of foreign states; Therefore,

§ 1. *Be it enacted, &c.* That every person, being a citizen or subject of any foreign state, shall be able and capable in law of acquiring and taking, by *devise or descent*, lands and other real property in this commonwealth, and of holding and of disposing of the same, in as full and ample a manner as the citizens of this state may or can do, and no such lands or estate, so held by *devise or descent*, shall escheat or be forfeited to the commonwealth, for or on account of the alienage of such person claiming the same under any last will, or succeeding, according to the laws of this commonwealth.

§ 2. That all such persons shall be able and capable in law to dispose of any goods and effects, to which they may be entitled within this state, either by testament, donation or otherwise, and their representatives, in whatever place they may reside, shall receive the succession, according to the laws of this commonwealth, either in person or by attorney, in the same manner as if they were citizens of this commonwealth.

§ 3. That nothing herein contained shall be construed to prevent the sequestration of any real or personal estate belonging to any such alien, during the continuance of war between the United States of America, and the state or prince, of which such person may be a citizen or subject.

It is said in the note to chap. 1376, *Carey and Bioren's*, 3d vol. pa. 298, that the foregoing act has expired; but upon what authority, the present editor has not been able to discover. Certainly in the act itself there is nothing like a limitation; nor is the remark to be found in *Mr. Dallas's* edition. Nor would it seem that the technical idea of the word *purchase*, was ever in the contemplation of the legislature, so as to render any of the subsequent laws inconsistent with this act of February, 1791, and to imply a repeal of it. The act has therefore been preserved in this edition, as being in full force. There is nothing, however, in this act of February, 1791, which is retrospective, or which could be construed to give a right which did not exist at the time of the descent cast. Nor is there any thing in the great case of the lessee of *Jackson and others v. Burns*, 3 *Binney*, 75, which affects the operation of the act of Assembly. On the facts of the case it was, unquestionably, rightly decided: The act of 1791, could have no bearing upon it, nor does it appear from the report, that it was in any way brought into the view of the

court. The broad principle extracted from the case, that "a *British ante-natus* is incapable of taking lands by descent within the State of Pennsylvania," must be considered as relating to the facts of the case, and depending thereon. Nor could the Judges have overlooked an act of the legislature of the state, if it could in any way have affected the question. Whenever a case may arise, which shall directly bring the act of 1791 before the court, it will no doubt receive a correct construction. At present there is no case relating to the subject, either impeaching, or recognizing the law.

In the case of *Jackson's Lessee v. Burns, William Jackson*, under whom the lessor of the plaintiff claimed, died in 1784, the lessor of the plaintiff then being, and always continuing in Ireland, and never having been in the United States; nor any statute provision of this commonwealth, at that time existing, which would enable him to take by descent.

On the argument, the main question was subdivided thus:

1st. That by the common law, the lessor of the plaintiff was capable of taking by descent.

2d. That by the treaties between the *United States and Great Britain*, in the years 1783 and 1794, the right of taking by descent was secured to him, even though it was not given by the common law.

The judges declared that this latter point had been settled by the Supreme Court of the United States, in the case of *Dawson's Lessee v. Godfrey*, 4 *Cranch*, 321. And that so far as regards the construction of treaties the judgment of the Supreme Court of the *United States* is an authority by which they (the judges of the Supreme Court of *Pennsylvania*), were bound.

On the first point, it was held that on common law principles, the plaintiff was not entitled to recover, because on the principle of reason, abstracted from authority, it would seem that the right of taking by descent, should be governed by the condition of the party at the time of the descent cast; because it is then that he is to enjoy the inheritance.

As therefore the descent in this case was cast in 1784, when the act of 1791 did not exist, and as the lessor of the plaintiff could not then take under any law of Pennsylvania, it followed irresistibly that he could not recover.

The reader will, it is presumed, be perfectly satisfied, that the case in 3 *Binney*, and the act of February, 1791, are perfectly reconcilable.

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CHAPTER MMDCCXLIX.

[Ante, pa.
170.]

An ACT for establishing and confirming the place for holding the courts of Justice, in the county district of M'Kean.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the seat of justice for the county district of M'Kean, shall be, and the same hereby is established and confirmed at the town of Smeth's port in the county of M'Kean, and it shall be the duty of the trustees of the said county district, to demand, and receive from John Keating, Richard Gernon and John S. Roulet, a sufficient deed or deeds in fee simple, in trust to them, for the use of said county, for one full and equal moiety of the town lots in the said town of Smeth's port, free of any expense for surveying and laying out the same, and for two public squares in said town, one whereof shall be, and is hereby for ever appropriated for the purpose of erecting thereon, the public buildings for the use of the said county, and the other for the use of an academy or public school in the said town : and also, for one hundred and fifty acres of land, to be laid off in a regular plot, from the tract of land on which the said town is situated, to be selected and chosen by said trustees, which shall be, and is hereby for ever appropriated to the use of an academy or public school for said county, and also, to demand and receive from said John Keating, the sum of five hundred dollars, for the purpose of erecting a suitable building for the use of the said academy or public school, or sufficient security for the payment thereof in a reasonable time : And the said trustees shall procure the said deed or deeds to be recorded in the office for recording deeds, in the county of Centre, in the proper book directed to be kept for the county of M'Kean, and the said trustees, or a majority of them, are hereby authorized to sell and dispose of the lots aforesaid, in such manner as will be most for the benefit of the county, and to make and execute deeds to the purchasers, and the monies arising from such sales shall be by them held and reserved, for the use and benefit of M'Kean county, subject to the disposal of the commissioners of M'Kean county when the choosing or electing such commissioners shall, or may be authorized by law : *Provided always, That nothing in this act contained, shall have any force or effect in law, unless John Keating, Richard Gernon, and John S. Roulet, shall execute and deliver to the trustees aforesaid, such deed or deeds, for the lots and lands aforesaid, and fully perform all their engagements as aforesaid.**

SECT. II. *And be it further enacted by the authority aforesaid, That the aforesaid trustees shall each receive one dollar and thirty-three cents, for every day they shall be employed in the performance of the duties of the aforesaid trust, which shall be paid by the treasurer of Centre county, on orders from the commissioners of said county, out of the taxes levied in the county district of M'Kean.*

The seat of Justice for M'Kean county established, &c.
The trustees of said county to receive from John Keating, conveyances, &c.

Also for 150 acres of land to be appropriated to the use of an academy or public school. And also to demand and receive from said Keating 500 dollars for erecting, &c.
Said deeds to be recorded in the recorder's office of Centre county.
The trustees authorized to sell, &c.

The monies arising from such sales to be held for the use and benefit of M'Kean county, &c.

Compensation of the trustees and how paid.

SECT. III. *And be it further enacted by the authority aforesaid, 1807.*

That within six months from and after the courts of law, and board of commissioners shall have been established and opened by law, in and for said county, the said trustees shall surrender and convey to the said commissioners and their successors in office in trust, for the use of the county, all the trust and trusts vested in them, or a majority of them by this act, and the said commissioners of the county, are hereby empowered and required to do and perform the several duties which may remain to be done, and the said county commissioners shall have power, and it shall be their duty to call upon, and if necessary, compel the aforesaid trustees or either of them, by suit, to settle their accounts and pay over to the treasurer of the county, any monies which may remain in their hands, or in the hands of either of them, due to the county of M^cKean, from the sale of the town lots aforesaid.

The trustees within six months after the organization of M^cKean county to surrender the trusts, &c.

Powers and duties of said commissioners.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said trustees shall, as soon as may be, file a draught and return of the survey of the said town, and one hundred and fifty acres of land, together with their proceedings under, and by virtue of this act, in the proper books, in the office of the recorder of deeds in and for the county of Centre, or in the said office for the county of M^cKean, if such office be then established by law.

A return of the survey of the town and 150 acres of land to be filed in the recorder's office of Centre county or M^cKean county

Passed 4th March, 1807.—Recorded in Law Book No. X. page 438

CHAPTER MMDCCL.

An ACT appointing a trustee in Centre county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* John G. Lowry be, and he is hereby appointed a trustee for Centre county, in the room and stead of Robert Boggs, Esq. deceased: *And the said John G. Lowry is hereby invested with all and singular the powers and authorities and subjected to all the duties which by law are vested in, and required of a trustee of said county.*

John G. Lowry appointed a trustee of Centre county, &c.

Passed 4th March, 1807.—Recorded in Law Book No. X. page 440.

CHAPTER MMDCCLV.

An ACT declaring part of Brush creek in the county of Bedford, and parts of Allegheny river, and Oswaye and Conondau creeks, in the counties of Potter and M^cKean, and Bald Eagle creek in Centre county, public streams or highways.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That*

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Part of Brush creek in Bedford county, declared a public stream or highway.

from and after the passing of this act, all that part of Brush creek, situate between the mouth thereof and the mouth of Shavers' creek, in the county of Bedford, be, and the same is hereby declared a public stream or highway, for the passage of boats and rafts; and it shall and may be lawful for persons desirous of using the navigation of the said creek, to remove all the obstructions therein: *Provided*, They do not thereby injure the property of any individual on either side of the said creek.

Part of Oswaye creek in Potter and M'Kean counties, declared a public stream or highway.

SECT. II. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, all that part of Oswaye creek in the counties of Potter and M'Kean, which lies between the north line of this state and the forks of the said creek about twenty miles from its mouth, be, and the same is hereby declared a public stream or highway, for the same purposes and under the same provisions as are contained in the first section of this act.

Part of Conondau creek in the county of M'Kean, and part of the Allegheny river declared public streams or highways.

SECT. III. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, all that part of Six's or Conondau creek, which lies between the town of Smith's port in the county of M'Kean, and the mouth of the said creek, and so much of the Allegheny river, in the counties of Potter and M'Kean, as lies southwardly of the north line of the state, be, and the same are hereby declared public streams or highways for the same purposes and under the same provisions as are contained in the first section of this act.

Part of Bald Eagle creek in Centre county, declared a public stream or highway.

SECT. IV. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, all that part of Bald Eagle creek, in Centre county, situate, and lying between Milesburg and Joseph Williams's land, a distance of about eight miles, be, and the same is hereby declared a public stream or highway, for the same purposes, and under the same provisions as are contained in the first section of this act.

Persons owning land on either of said creeks privileged to erect dams across the same, subject to certain restrictions.

SECT. V. *And be it further enacted by the authority aforesaid*, That any person or persons, owning or possessing land on either of the said creeks or river, shall have liberty to erect any dam or dams across the same, agreeably and subject to all the restrictions and provisions of an act of the General Assembly of this commonwealth, passed the twenty-third day of March, one thousand eight hundred and three, entitled "An act to authorize any person or persons owning lands adjoining navigable streams of water declared public highways, to erect dams upon such streams for mills and other water works."

Passed 4th March, 1807.—Recorded in Law Book No. X. page 443.

CHAPTER MMDCLVIII.

An ACT authorizing the Governor to incorporate a company for making an artificial road from Harrisburgh through Lewistown and Huntingdon to Pittsburgh.

SECT. I. [COMMISSIONERS appointed to open books and receive subscriptions to the Harrisburgh, Lewistown, Huntingdon

and Pittsburgh turnpike road. Form of subscription. Notice of times and places of subscription to be published. Who may subscribe. How long said books are to be kept open. Commissioners may adjourn the subscriptions from time to time, &c. Of which adjournments, &c. notice is to be given. Subscribers to pay before subscribing three dollars for every share subscribed. When a charter of incorporation may be obtained. Style of the corporation to be "The President, Managers and Company of the Harrisburgh, Lewistown, Huntingdon, and Pittsburgh Turnpike Road," with the usual corporate powers and privileges. Not compellable to erect bridges over the Susquehanna, Juniata and Conemaugh, and to have the same powers and privileges, and be subject to the same restrictions as the Harrisburgh and Pittsburgh turnpike road. (Ante. pa. 279.)] (e) 1807.

Passed 4th March, 1807.—Recorded in Law Book No. X. page 445.

(e) Two thousand shares to be subscribed by the commonwealth to the stock of this company, on certain conditions, by act of 21st March, 1808, (chap. 2930.) the text, and eventually to be united therewith. See also the act of 2d April, 1811, which extends the provision of the act in the text for three years, and from thence to the end of the next session of the General Assembly.

See the act of 20th March, 1810, by which a branch is erected to form part of the road contemplated by the act in

CHAPTER MMDCCCLIX.

An ACT for the relief of Jeremiah Loughrey. (f)

Passed 4th March, 1807.—Recorded in Law Book No. X. page 450.

(f) An annuity of forty dollars is granted to Jeremiah Loughrey, a revolutionary soldier, commencing 1st of April, 1807, payable half yearly to Hugh Martin, Esq. of Westmoreland county, &c. (Note to former edition.)

CHAPTER MMDCCCLX.

An ACT to encourage the killing of Squirrels and Crows in certain parts of this Commonwealth.

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the county commissioners in the counties of Bedford, Washington, Westmoreland, Armstrong, Indiana, Fayette and Greene, respectively shall be, and they are hereby authorized and empowered to levy upon the taxable inhabitants in the said counties any sum of money not exceeding three hundred dollars in one year, in any of the said counties, when the number of squirrels and crows in their opinion shall make the same necessary, which sum shall be levied, collected and paid unto the respective county treasurers at the same time, and in the same man-

The commissioners of certain counties authorized to levy annually a limited sum, to constitute a fund for encouraging the killing of squirrels and crows.

1807. ner that county taxes are levied and collected, and shall be by them paid in the manner herein after directed; and the accounts shall be settled in the same manner as other county levies are.

Allowance for squirrel scalps and for crows scalps in justices certificates.

Scalps to be exhibited before the first of November annually.

Said certificates receivable in payment of taxes.

Repealing clause.

SECT. II. *And be it further enacted by the authority aforesaid,* That when any person or persons shall kill any squirrels or crows in said counties, after the passing of this act (upon producing the scalps of the same to any justice of the peace) said justice is hereby required to receive the scalps then produced, and, in the presence of the deliverer, burn or otherwise destroy the same, and grant him or them a receipt for the number of scalps by him so received, which receipt shall be received in whole or in part for his or their county tax, at the rate of one cent and a half for each squirrel's scalp, and three cents for each crow's scalp, provided the said scalps be delivered before the first day of November, yearly.

SECT. III. *And be it further enacted by the authority aforesaid,* That any person or persons producing such certificate or certificates as aforesaid, to the treasurer of his or their proper county or counties, the said treasurer or treasurers shall pay the said person or persons the amount of such certificate, out of the money collected for that purpose, and take a receipt on the back thereof for the sum paid as aforesaid.

SECT. IV. *And be it further enacted by the authority aforesaid,* That so much of any former act or acts of the General Assembly of this commonwealth, as is hereby altered or supplied, be, and the same is hereby repealed. (g)

Passed 4th March, 1807.—Recorded in Law Book No. X. page 451.

(g) Extended to Butler, Franklin, Mercer, and Venango, by act of 13th Somerset, Lycoming, Crawford, Erie, February, 1811.

CHAPTER MMDCLXIII.

An ACT for the relief of Gaspar Driver. (h)

Passed 4th March, 1807.—Recorded in Law Book No. X. page 452.

(h) An annuity of forty dollars is granted to Gaspar Driver, a soldier in the revolutionary war, commencing January 1st, 1807, payable half yearly, to Francis M'Clure, &c. (Note to former edition.)

CHAPTER MMDCLXV.

[Ante. pa. 270.]

An ACT establishing and confirming the place for holding the courts of Justice in the county district of Potter.

WHEREAS in conformity with the provisions contained in the ninth section of the act, entitled "An act to erect parts of Lycoming, Huntingdon, and Somerset counties into separate county districts," passed March sixth, one thousand eight hundred and four, Sampson Crawford, Hugh White, and Robert M'Clure, trustees appointed for the county district of Potter, have transmitted to the General Assembly proposals by them received from John Keating, in his own name, and on behalf of Richard Gernon and John S.



Roulet, and it appears that the said John Keating, Richard Gernon, and John S. Roulet, have caused a town to be laid out at the forks of Allegheny river in the said county, on a ground plot of ninety acres of land, to be hereafter called and known by the name of Coudersport, two-thirds whereof they have offered to convey to the said trustees, exclusive of a square for the erection of public buildings, and a square for the use of an academy or public school, which are to be conveyed for the use of the said county, and have also offered to convey one hundred and fifty acres of land near the said town for the use and support of an academy or public school, and to pay to the said trustees the sum of five hundred dollars towards the expense of erecting a suitable building for such academy or public school, and have executed and filed a bond in the office of the secretary of the commonwealth, for the faithful performance of their engagements above-mentioned, and it will be advantageous to the said county district to accept thereof: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the seat of justice for the county district of Potter shall be, and the same hereby is established and confirmed at the town of Coudersport in the county of Potter, and it shall be the duty of the trustees of the said county district to demand and receive from John Keating, Richard Gernon, and John S. Roulet, a sufficient deed or deeds in fee simple in trust to them for the use of said county, two-thirds of the town lots in the said town of Coudersport free of any expense for surveying and laying out the same, and for two public squares in said town, one whereof shall be and is hereby for ever appropriated for the purpose of erecting thereon the public buildings for the use of the said county, and the other for the use of an academy or public school in the said town, and also for one hundred and fifty acres of land to be laid off in a regular plot from the tract of land on which the said town is situate, to be selected and chosen by the said trustees, which shall be and is hereby for ever appropriated to the use of an academy or public school for said county, and also to demand and receive from the said John Keating the sum of five hundred dollars for the purpose of erecting a suitable building for the use of the said academy or public school, or sufficient security for the payment thereof in a reasonable time: And the said trustees shall procure the said deed or deeds to be recorded in the office for recording deeds in the county of Lycoming, and the said trustees or a majority of them are hereby authorized to sell and dispose of the lots aforesaid, in such manner as will be most for the benefit of the county, and to make and execute deeds to the purchasers, and the monies arising from such sales shall be by them held and reserved for the use and benefit of Potter county, subject to the disposal of the commissioners of Potter county when the choosing or electing such commissioners shall or may be authorized by law: *Provided always, That nothing in this act contained shall have any force or effect in law, unless John Keating, Richard Gernon and John S. Roulet, shall first execute and deliver to the trustees aforesaid, such deed or deeds for the lots and lands aforesaid, and fully perform all his engagements as aforesaid.*

Coudersport made the seat of justice for Potter county.

The trustees of said county district to demand and receive from John Keating, &c. deeds in fee simple, &c.

And five hundred dollars, for the use of said public school.

Deeds to be recorded in recorder's office, of Lycoming county.

Trustees authorized to dispose of the aforesaid lots, &c.

The monies arising to be reserved for the use of Potter county.

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Nothing in
this act to
have effect,
&c.

Compensa-
tion to the
trustees for
their ser-
vices.

When the
trustees are
to surrender
the trusts,
&c.

A survey of
the town, &c.
to be filed in
the record-
er's office
of Lycoming
county, or
Potter coun-
ty.

SECT. II. *And be it further enacted by the authority aforesaid,* That the aforesaid trustees shall each receive one dollar and thirty-three cents for every day they shall be employed in the performance of the duties of the aforesaid trust, which shall be paid by the treasurer of Lycoming county, on orders from the commissioners of said county, out of the taxes levied in the county district of Potter.

SECT. III. *And be it further enacted by the authority aforesaid,* That the trustees aforesaid, or a majority of them shall within six months from and after the courts of law and board of commissioners shall have been established and opened by law, in and for said county, surrender and convey to the said commissioners and their successors in office, in trust for the use of the county all the trust and trusts vested in them or a majority of them by this act, and the said commissioners of the county are hereby empowered and required to do and perform the several duties which may remain to be done, and the said county commissioners shall have power, and it shall be their duty to call upon and if necessary compel the aforesaid trustees or either of them by suit to settle their accounts and pay over to the treasurer of the county any monies which may remain in their hands or in the hands of either of them due to the county of Potter from the sale of the town lots aforesaid.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said trustees shall as soon as may be, file a draught and return of the survey of the said town and one hundred and fifty acres of land, together with their proceedings under and by virtue of this act, in the office of the recorder of deeds in and for the county of Lycoming, or in the said office for the county of Potter, if such office be then established by law.

Passed 4th March, 1807.—Recorded in Law Book No. X. page 454.

CHAPTER MMDCCLXVI.

An ACT to provide for the erection of a house for the employment and support of the poor in the county of Franklin.

House of em-
ployment,
&c. to be
erected.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That a house for the employment and support of the poor shall be erected in the county of Franklin, in the manner and under the conditions hereinafter prescribed and enacted.

Five citizen
to be elected,
who are to
fix on a site
therefor.

SECT. II. *And be it further enacted by the authority aforesaid,* That the citizens of the said county of Franklin, shall at the general election next ensuing the passing of this act, in the manner prescribed for the election of members of the house of representatives of this commonwealth, elect five reputable citizens of the said county, whose duty it shall be on or before the first day of December next, to determine upon and fix the place on which the said buildings shall be erected, and shall certify their proceedings therein under their hands and seals to the clerk of the Court of Quarter Sessions of the county of Franklin, to be filed in his office, and also elect three

Also three
persons to be
directors of
the poor, &c.

1807.

reputable citizens of the said county in like manner to be directors of the poor and of the house of employment for the county of Franklin, and the judges of election of the said county on receiving the returns from the several election districts, and having cast up the number of votes therein, shall within three days thereafter certify under their hands and seals the names of the persons so elected, to fix on a proper site for the said building, and the names of the directors so chosen to the clerk of the Court of Quarter Sessions of the said county, who shall file the said certificate in his office, and forthwith give notice in writing to the said persons and directors of their being elected, and the said directors shall meet at the courthouse in the said county on the first Monday in November next ensuing their election, and divide themselves by lot into three classes, the place of the first to be vacated at the expiration of the first year, and of the second at the expiration of the second year, and of the third at the expiration of the third year, so that those who shall be chosen after the first election and in the mode above prescribed, may serve for three years, and one third to be chosen annually.

Notice to be given to the first mentioned citizens and to the director of their elections, respectively.

Directors to meet and divide themselves into three classes.

SECT. III. *And be it further enacted by the authority aforesaid,* That every director elected in manner aforesaid, or appointed as is directed by the twelfth section of this act, shall within ten days after he is notified of such election or appointment, and before he enters on the duties of the office, take an oath or affirmation which any justice of the peace of the said county is hereby authorized to administer, that he will discharge the office of director of the poor for the said county, truly, faithfully and impartially to the best of his knowledge and ability: And in case of neglect or refusal to take the oath or affirmation within the time aforesaid, he shall forfeit and pay the sum of twenty dollars for the use of the poor of the said county, which fine shall be recovered by the directors for the time being, as debts of equal amount are or shall be by law recoverable.

Directors chosen, to fill vacancies, to take an oath of office, &c.

When the terms of the respective classes are to end.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said directors shall for ever hereafter in name and in fact be one body politic and corporate in law to all intents and purposes, whatsoever relating to the poor of the said county of Franklin, and shall have perpetual succession, and may sue and be sued, plead and be impleaded by the name, style and title of "The Directors of the Poor and of the House of Employment for the county of Franklin," and by that name may receive, take and hold any lands, tenements and hereditaments not exceeding the yearly value of five thousand dollars, and any goods and chattels whatsoever of the gift, alienation or bequest of any person or persons whomsoever, to purchase, take and hold any lands and tenements within their county in fee simple or otherwise, and erect suitable buildings thereon for the reception, use and accommodation of the poor of their respective townships, to provide all things necessary for the reception, lodging, maintenance and employment of the said poor, to appoint a treasurer annually, who shall give bond with sufficient surety for the faithful discharge of the duties of his office, and that at the expiration thereof he will well and truly pay and deliver over to his successor, all monies, bonds, notes, books, accounts and other papers to the said corporation belonging, which shall then be remaining in his hands, custody

The directors incorporated.

Style of the corporation. Its immunities and powers.

May appoint a treasurer of the corporation; his qualification

1807. and possession, to employ and at pleasure remove a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other necessary attendants for the said poor respectively, to bind out as apprentices, so that such apprenticeship may expire if males, at or before the age of twenty-one years, if females at or before the age of eighteen, such poor children as shall come under their notice, or as may now be bound apprentices by the overseers of the poor, and to exercise and enjoy all such other powers now vested in the overseers of the poor, as are not herein granted or supplied, and the said directors shall be empowered to use one common seal in all business relating to the said corporation, and the same at their pleasure to alter or renew.

Employ stewards, &c.

Bind out apprentices.

Use one common seal, &c.

Estimate to be made of the expense of erecting the buildings, &c.

How the same is to be raised.

SECT. V. *And be it further enacted by the authority aforesaid,* That the said directors as soon as may be, after their election and organization, as aforesaid, shall make an estimate of the probable expense of purchasing the lands, erecting the necessary buildings, and furnishing the same, and maintaining the poor within the said county for one year; whereupon the county commissioners of the said county, shall, and they are hereby authorized and required to increase the county tax by one-fourth part of the sum necessary for the purposes aforesaid, and shall procure on loan on the credit of the taxes herein directed to be levied, the remaining three-fourths thereof, to be repaid in instalments with interest out of the county taxes: *Provided always,* That if such loan cannot be made, the whole amount of the sum necessary for the purposes aforesaid, or such part thereof as may be deemed proper, shall immediately be added to the county tax, to be paid by the county treasurer to the directors aforesaid, on orders drawn in their favour by the county commissioners, as the same may be found necessary.

Directors to exhibit annually an estimate of the probable expenses, for one year, &c.

To render an annual account of the monies received and expended by them;

further duties of the trustees.

SECT. VI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said directors, on or before the first day of November, in each and every year, to furnish the commissioners of said county with a statement of the probable expense of the said poor, and poor-house, for one year; the amount of which statement shall be assessed and collected with other county rates and levies, and paid by the county treasurer to the directors aforesaid, on orders drawn in their favour by the county commissioners, as the same may be found necessary; and the said directors shall at least once in every year, render an account of all the monies by them received and expended, to the auditors appointed to audit and settle the county accounts, subject to the same penalties, rules and regulations, as are by law directed respecting the accounts of the county commissioners, and shall also at least once in every year, lay before the Court of Quarter Sessions, and grand jury of the said county, a list of the number, ages and sexes of the persons maintained and employed in the said house of employment, or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeships as aforesaid, with the names of the masters or mistresses, and their trade, occupation or calling; and shall at all times when thereunto required, submit to the inspection and free examination of such visitors as shall from time to time, be appointed by the court of Quarter Sessions of the said county, all their books and accounts,

together with the rents, interests and monies payable and receivable by the said corporation, and also an account of all sales, purchases, donations, devises and bequests, as shall have been made by or to them.

SECT. VII. *And be it further enacted by the authority aforesaid,* That as soon as the said buildings shall be erected, and all necessary accommodations provided therein, notices shall be sent signed by any two of the said directors, to the overseers of the several townships of the said county of Franklin, requiring them forthwith to bring the poor of their respective townships to the said house of employment, which order the said overseers are hereby enjoined, and required to comply with, or otherwise to forfeit the cost of all future maintenance; except in cases when by sickness, or other sufficient cause, any poor person cannot be removed, in which case the said overseers shall represent the same to the nearest Justice of the Peace, who, being satisfied of the truth thereof shall certify the same to the said directors, and at the same time issue an order under his hand and seal, to the said overseers, directing them to maintain such poor, until such time as he, or she, shall be in a situation to be removed, then to convey the said pauper and deliver him, or her, to the steward or keeper of the said house of employment, together with the said order, and the charge and expense of such temporary relief, and of such removal shall be paid by the said directors at a reasonable allowance.

When and how the poor are to be removed to the building erected in pursuance of this act.

Exception as to the sick and how they are to be provided for.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the said directors shall from time to time, receive, provide for and employ, according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in the said county of Franklin, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two Justices of the Peace directed to any constable of the said county of Franklin, or to the overseers of the proper township in any other county of this commonwealth, or constable in such counties as have no overseers, and to the said directors of the poor, and of the house of employment of the said county of Franklin, and the said directors are hereby authorized, when they shall deem it proper and convenient so to do, to permit any poor person or persons to be maintained elsewhere.

Directors required to receive, provide for, and employ the poor.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the said directors, or any two of them, who shall be a quorum in all cases to do business, shall have full power to make and ordain all such ordinances, rules and regulations, as they shall think proper, convenient and necessary, for the direction, government and support of the poor and house of employment, aforesaid, and of the revenues thereunto belonging, and of all such persons as shall come under their care or cognizance: *Provided,* The same be not repugnant to this law or any other of the laws of this state or of the United States: *And provided also,* That the same shall not have any force or effect until they shall have been submitted to the Court of Common Pleas for the time being, of the said county of Franklin, and shall have received the approbation of the said court.

Power of the directors to make rules and regulations, &c.

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A committee of the directors to visit the apartments of the poor, monthly, &c.

Compensation of the directors.

How vacancies in the direction are to be supplied.

When and how the monies in the hands of the overseers of the poor are to be disposed of.

And the office of overseer of the poor abolished.

Repeal of laws hereby supplied.

Compensation to the persons appointed to fix the site for the poor house;

and to the directors for their special attendance while the buildings are erecting.

SECT. X. *And be it further enacted by the authority aforesaid,* That a committee consisting of at least two of the said directors shall and they are hereby enjoined and required to meet at the said house of employment at least once in every month, and visit the apartments and see that the poor are comfortably supported, and hear all complaints and redress or cause to be redressed, all grievances which may happen by the neglect or misconduct of all persons in their employment or otherwise.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the said directors shall each of them receive for their services forty dollars per annum, to defray the expenses of their necessary attendance on the duties of their offices.

SECT. XII. *And be it further enacted by the authority aforesaid,* That in case of any vacancy or vacancies by death, resignation, removal, neglect, refusal or otherwise, of any of the said directors, a majority of the remaining directors shall fill such vacancy or vacancies by appointment of a citizen of their said county to serve until the next general election, when another director shall be elected to serve for the period which such director was to have served if no such vacancy had happened.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That as soon as the poor of the county of Franklin shall be removed to the house of employment of the said county, and the overseers then in office have settled their official accounts with the auditors of the respective townships, (annually elected for that purpose,) it shall be the duty of the said overseers to pay over all the monies remaining in their hands to the supervisors of their respective townships, to be by them applied towards the repairing of the public roads therein, and the office of overseer of the poor within the said county shall from thenceforth be abolished, and all monies arising from fines, trespassing creatures, &c. that by the existing laws are directed to be paid to the overseers of the poor, shall from that time be paid to the supervisors of the roads within the respective townships to be expended and accounted for by them in the same manner as other township monies are directed to be.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That so much of the laws of this commonwealth relating to the poor as is by this act altered or supplied, be, and the same is hereby repealed.

SECT. XV. *And be it further enacted by the authority aforesaid,* That the commissioners of the said county are hereby authorized and empowered to pay to the persons who may be elected or appointed by virtue of this act, to fix the place where the building for the accommodation of the poor in said county shall be erected, such sums of money as will be sufficient to reimburse them for their expenses, and also to pay to each of the said directors such sum of money as (together with the annual sum allowed them by this act,) may be in the opinion of the commissioners a reasonable compensation for their services during the time they are carrying on and erecting the buildings aforesaid: *Provided,* The said buildings shall be completed within four years from the passing of this act.

Passed 11th March, 1807.—Recorded in Law Book No. X, page 456.

CHAPTER MMDCCLXX.

1807.

An ACT to incorporate the Philadelphia society for the encouragement of Domestic Manufactures.

SECT. 1. [THE society incorporated, by the name of "The Philadelphia Domestic Society," with the usual corporate powers and privileges. Income limited. To have a common seal and power to alter and renew it. Power to make and enforce by-laws, &c. 2. All joint stock, estate and records, &c. held and claimed at the passing this act, vested in the society. All previous contracts and other engagements, debts, &c. binding on the society. And previous contracts, &c. with the society to be binding on individuals, &c. 3. Amount of capital stock for the present. How divided and power to increase it. Each share to be fifty dollars. And the capital stock at no time to exceed one hundred thousand dollars. No one to be entitled to more than one vote. 4. The affairs of the society to be managed by twelve directors. Who are to choose a president. How vacancies are to be supplied and for what time. Names of the present directors. And how long to continue in office. Of the votes for directors. Proviso in case the elections are not held on the days prescribed. 5. Powers of the board of directors as to officers, &c. and the regulations of the affairs of the society generally. 6. All advances or payments by the company to be in specie or notes, &c. Restrictions on the powers of the company. 7. Stated meetings of the board to be held. And notice of other meetings to be given. Five members to constitute a quorum. A journal of proceedings to be kept. 8. At what time dividends of profits shall be declared. Managers consenting to a greater dividend than warranted, &c. to make good the loss, &c. 9. Shares of stock transferable at any time according to such rules as the directors may establish. And certificates issued or renewed to applicants being holders of stock. 10. The board of directors may appoint committees to transact current business, &c. 11. Upon application the board of directors shall lay before the stockholders a general statement of the fund of the institution. 12. No director to be security for any officer or agent of the society. 13. Limitation of the act, five years, &c.]

Passed 11th March, 1807.—Recorded in Law Book No. X. page 463.

CHAPTER MMDCCLXXIII.

An ACT to regulate the fisheries in the river Susquehanna and its Branches.

SECT. 1. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, no person or persons shall cast or draw any seine, scoop net, brush, or brush net, or make use of any driver or other device for the purpose of taking or catching fish in the river Susquehanna, or any of its branches which have by

Penalty on persons drawing a seine, &c. between the hours of six on the afternoon of Saturday, and the hour of

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five in the morning of Monday following; and on persons using more than one seine or net in twenty-four hours in any one pool or fishing place.

Fishing with hoop-nets, and hooks and lines not prohibited.

Penalty on persons contriving to prevent the free passage of fish, or for using any means to destroy them.

What to be deemed a pool, or fishing place.

Persons residing opposite to each other having suitable landings for drawing seines, &c. to fish alternately, &c.

law been declared public highways, between the hours of six on the afternoon of Saturday, and the hour of five in the morning of the Monday following, and no person or persons shall make use of, cast or draw more than one seine, net or driver, or other device for the taking or catching fish in any one pool or fishing-place in the said river or its branches as aforesaid, within this commonwealth, and not more than one seine, net, driver or device for the taking or catching fish, shall be made use of, cast or drawn in any one pool or fishing-place in the said river or its branches, within any period of twenty-four hours, beginning at sun-rising in the morning and continuing until sun-rising on the day following, and any person or persons who shall cast or draw any seine or net, or make use of any driver or other device for the purpose of taking or catching fish, or making use of, or permit to be used more than one seine, net, driver or device in any one pool or fishing-place or shall be aiding or assisting therein contrary to the true intent and meaning of this act; such persons so offending, and thereof being lawfully convicted, shall forfeit and pay the sum of one hundred and fifty dollars for each and every such offence, with costs of prosecution, one half thereof to be paid by the owner or owners of the seine, and the other half by the men so fishing: *Provided always*, That any person or persons may fish with hoop-nets and hooks and lines, any thing in this act to the contrary notwithstanding.

SECT. II. *And be it further enacted by the authority aforesaid*, That if any person or persons shall make use of any device by means of ropes, cords, plank, timber, boards, shingles, brush, straw or stones, or shall throw up any banks of sand, or other earth in the river Susquehanna or its branches, or in any manner whatever, make use of any craft, contrivance or design to confine fish, to, at, or in any pool or fishing-place, or to prevent the free passage of fish, or by means of any kind of drug, shall destroy the fish in the said river or its branches as aforesaid, each person so offending, or aiding or assisting therein, being lawfully convicted thereof, shall forfeit and pay for each and every such offence, the sum of one hundred and fifty dollars with costs of suit.

SECT. III. *And be it further enacted by the authority aforesaid*, That from the place or places where seines or nets have been usually thrown into the water, to the place or places where they have been usually taken out, or from the place or places where they may be hereafter thrown into the water, to the place or places where they may be taken out, shall be deemed and held to be a pool or fishing-place within the meaning of this act.

SECT. IV. *And be it further enacted by the authority aforesaid*, That whenever there is or may be a pool or fishing-place on both sides of the river and opposite each other, in whole or in part, or where there is or may be a pool or fishing-place on an island, shoal or sand-bank opposite in whole or in part to the pool or fishing-place on either side of the river or island, where they sweep the whole channel, no seine or net shall be drawn on such pools or fishing-places to both landings in any one period of twenty-four hours; the fishery on the east side of the said river, or on any such island, shoal or sand-bank, shall be occupied or made use of the first

twenty-four hours ; the fishery on the west side of said river, or on any such island, shoal or sand-bank, the next twenty-four hours, and so on in rotation ; and if any person or persons shall undertake to draw any seine or net in the said river or its branches as aforesaid, contrary to the true intent and meaning of this section, he or they so offending shall forfeit and pay the sum of three hundred dollars for each and every such offence, together with costs ; and all fines and forfeitures incurred under this act shall be recovered as debts of equal amount are or may be by law recoverable, one half of the forfeitures under this act to be for the use of the informer, and the other half to be applied for the purpose of improving the public roads and highways within the proper county in which such offence shall have been committed : *Provided always*, That every prosecution or suit under this act, shall be instituted within three months from the commission of the offence, and not afterwards.

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Penalty for offending against this provision.

Manner of recovering fines, &c. How applied.

Limitation of prosecutions.

[See the general index, title "Fisheries,"]

Passed 16th March, 1807.—Recorded in Law Book No. X. page 468.

CHAPTER MMDCCLXXIV.

A SUPPLEMENT to an act, entitled "An act for the more speedy and effectual collection of certain debts due to this commonwealth."

[Original act, chap. 2720. ante, pa. 355. Post, chap. 2939.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That the commissioners appointed under the act to which this is a supplement, shall make report of their proceedings to the Governor, who on approbation thereof, shall issue one or more process to the said commissioners, commanding them or a majority of them to sell such lands or interest in lands as the said commissioners may specify in their report as the property of the late John Nicholson, and subject to the liens of the commonwealth without inquisition ; and in all cases of sales so to be made by the commissioners or a majority of them, at least twenty days notice shall be given of the time and place of sale by advertisement in the newspaper printed in the county where the lands respectively lie, if any be there printed, and if not, in the newspaper printed nearest to such county, and also in two papers printed in the city of Philadelphia : *Provided*, That nothing contained in this section shall operate to abridge the powers of compromise vested in the said commissioners by the fourth section of this act.

Commissioners appointed under a former act to report their proceedings to the governor ; who may authorize the sale of such land as the commissioners may specify, &c.

But the commissioners power of compromise not to be abridged.

SECT. II. *And be it further enacted by the authority aforesaid*, That in all cases of sales under this act, the purchaser or purchasers shall pay the amount of the purchase money into the state treasury, and the payment of no part of the purchase money shall be deferred for a longer time than four years, and whenever any part shall be deferred for any length of time within that period which is hereby referred to the discretion of the commissioners, or a majority of them, immediately superintending any sale, such deferred payments

Payment of purchase money to be made to the state treasurer, and not to be deferred longer than four years.

1807.

Interest to be charged on deferred payments, &c.

On receipt of bonds the commissioners to deliver to the purchaser a certificate, &c.
Bonds to be delivered to the treasury.

The secretary upon application and production of certificate and treasurer's receipt shall execute a deed to the purchaser.

Commissioners may expose to sale, any body of land in gross, &c.

Commissioners empowered to settle by compromise with persons claiming title.

shall carry interest from the time of the sale, and shall be secured by bonds given by the purchaser or purchasers with surety, approved by the commissioners or a majority of them as aforesaid, payable to the treasurer of the commonwealth and delivered to the said commissioners or a majority of them at the time of sale, and the said commissioners or a majority of them shall on the receipt of the bonds aforesaid deliver to every purchaser a certificate of the property sold to him, the time and place of sale and the bonds received, and shall also deliver into the hands of the treasurer within two months from the time of sale, all bonds received for or on account of such sales, and within the same time make a particular return into the office of the secretary of the commonwealth to the process of the Governor of the quantity of land sold, the situation thereof, the price at which it was sold, and how paid or secured, which said process and return shall be carefully registered and filed by the said secretary, who is hereby required upon the application of any purchaser or purchasers, or any person on his or their behalf on production of the certificate aforesaid and the treasurer's receipt for the consideration of the purchase, to make and execute a deed or deeds to the purchaser or purchasers for the property sold to him or them, as and for such estate as the said John Nicholson had and held the same at the time of the commencement of the liens of the commonwealth against the estate of the said John Nicholson, which said conveyances or copies of the records thereof shall be *prima facie* evidence of the grantee's title: *Provided*, That the respective bodies or tracts of land sold under this act shall be subject to the payment of the purchase money thereof.

SECT. III. *And be it further enacted by the authority aforesaid*, That the said commissioners or a majority of them are hereby authorized and empowered to expose any body of lands late the property of the said John Nicholson late deceased, which are subject to the lien of the commonwealth, to sale under and by virtue of the process to be issued by the Governor as aforesaid, either in gross or by separate tracts as to them or a majority of them may appear most advisable.

SECT. IV. *And be it further enacted by the authority aforesaid*, That the said commissioners or a majority of them shall have full power to settle by compromise or otherwise with any person or persons who in any manner may allege title to any of the lands late the property of the aforesaid John Nicholson, deceased, on such terms as to them may appear most eligible, and their proceedings therein shall be final and conclusive on the commonwealth: And upon any compromise made with any person or persons, the said commissioners or a majority of them at the request of the party and upon his or their paying the consideration money into the state treasury, or securing the payment of the same, may, and shall execute and deliver an assignment under their hands and seals of so much of the liens of this commonwealth against the estate of the late John Nicholson, as may be equivalent to the consideration paid or secured to be paid as aforesaid by such party, and from the date of such assignment the whole amount thereof shall be principal bearing legal interest, and the holder or holders of such assignments, or his

or their assigns may at any time proceed upon the liens of this commonwealth to sell the lands which may constitute the subject of such compromise.

SECT. V. *And be it further enacted by the authority aforesaid,* That if the commissioners or a majority of them should be of opinion that it would be more to the advantage of the commonwealth to purchase any of the property to be offered to sale under this act for the use of the commonwealth than to suffer the same to be sold for a sum less than the estimated value thereof, they, or a majority of them are hereby empowered so to do, and in this as in cases of sales to individuals, the commissioners are enjoined to make a special return into the office of the secretary, who shall as in other cases, register the return which shall vest in the commonwealth all the title to the property so purchased, which the said John Nicholson had therein at the date of the commonwealth's liens, and the lands so purchased shall be disposed of in such manner as shall hereafter be directed by law: *Provided,* That no purchase either directly or indirectly, shall be made in behalf of the commissioners aforesaid in their own right, nor shall any of the property of John Nicholson be vested in them otherwise than as in trust for the commonwealth.

Commissioners may purchase for the use of the commonwealth if they shall judge it more advantageous. And of such purchases shall make a special return, &c.

SECT. VI. *And be it further enacted by the authority aforesaid,* That any late or present deputy surveyors, who may have made surveys for the use of the aforesaid John Nicholson, are hereby authorized to make return on oath or affirmation of such surveys so made by him as may be demanded by the aforesaid commissioners, and on settlement of their account of fees by the register and comptroller shall be entitled to receive the amount thereof, upon warrants drawn therefor by the Governor on the treasurer of the commonwealth, and the surveyor general is hereby required to accept all surveys returned by virtue of this act, and also all returns for the use of the late John Nicholson, heretofore deposited with him by deputies out of office, which may be required by the aforesaid commissioners to be accepted, and the said commissioners or a majority of them whenever they may deem it expedient, in order to ascertain quantities, to rectify errors or mistakes in surveys, and to identify tracts of land where division lines may not have been run or outlines distinctly and accurately marked, shall have power to procure resurveys of such tracts to be made and returned, and the expenses thereof shall be paid as is directed in this section, and the surveyor general is hereby required to accept such resurveys.

Late and present deputy surveyors authorized to make returns of such surveys heretofore made, &c. And shall receive compensation therefor.

Commissioners authorized to procure resurveys, &c. which the surveyor general is to accept.

SECT. VII. And whereas the late John Nicholson, formerly comptroller-general of this commonwealth, was entitled to certain lands which he conveyed to certain trustees for the use of such persons as should become purchasers of shares in an association called the "Asylum Company," each share to entitle the holder to two hundred acres of land: And whereas it is necessary to know what number of shares have been disposed of, and what number of shares were purchased by the said John Nicholson, to the intent that the interest of the said John Nicholson in the stock of the said company, subject to the liens of this commonwealth be ascertained: And whereas the said company have refused to the commissioners afore-

1807. said the necessary information in this case: Therefore, *Be it further enacted by the authority aforesaid*, That the president and managers of the Asylum Company shall, within three months from the passage of this act, deliver or cause to be delivered to the secretary of the commonwealth, an exact copy of their transfer book or register of shares in the stock of said company, which may have been transferred by the company to individuals, or by individuals to the company, or to other individuals.

Asylum company shall deliver to the secretary of the commonwealth a copy of their transfer book or register of shares, &c.

Company also to file in said office a schedule of all lands now, and heretofore claimed by them. Also a specification of title.

SECT. VIII. *And be it further enacted by the authority aforesaid*, That the said company shall, within three months from the passage of this act, file in the said secretary's office a schedule of all lands now or at any time heretofore claimed and held by the said company, exhibiting the quantity and local situation of each body or tract of land, and also a specification of their title to each body or tract, and if any lands shall have been transferred by any other person or persons than the said John Nicholson to the said company or in trust to them, the said company shall state fully and explicitly whether such person or persons made such transfers under any immediate contract with the said company or by virtue of some contract with the said John Nicholson: *Provided*, That the reasonable expenses incurred by the president and managers of the Asylum Company, in making out copies of the papers directed by this act to be filed in the secretary's office, shall be settled by the comptroller and register-generals in the usual form, and shall be paid by the treasurer, on a warrant or warrants drawn for that purpose by the Governor.

Proceedings in case the company neglect to comply with the requisitions of the two preceding sections.

SECT. IX. *And be it further enacted by the authority aforesaid*, That if the said company shall neglect to comply with the requisitions by the two preceding sections made of them, all those bodies or tracts of land claimed by them, the title to which may be ascertained by the aforesaid commissioners to have been vested in the late John Nicholson at any time antecedent to the twentieth day of December, one thousand seven hundred and ninety-six, shall be considered as abandoned by the said company; and the said commissioners may proceed to sell the same, in the same manner and on the said terms as provided by the first, second and third sections of this act: *Provided nevertheless*, That if the said commissioners and company shall compromise the difficulties by this act intended to be remedied, this act so far as respects the said company, shall be null and void.

Commissioners not to be charged with fees for papers obtained from the secretary's office.

How the commissioners' compensation shall be calculated.

SECT. X. *And be it further enacted by the authority aforesaid*, That the commissioners shall have free access to any papers filed or deposited in the aforesaid secretary's office, by virtue of this act, exempt from any fees or charges.

SECT. XI. *And be it further enacted by the authority aforesaid*, That the compensation of ten per cent. granted to the said commissioners, shall be calculated and allowed only on the amount of the money and bonds, which shall be paid into the state treasury on account of the said John Nicholson's estate.

Repeal of part of the former law.

SECT. XII. *And be it further enacted by the authority aforesaid*, That the fourth, fifth and sixth sections of the act, hereby supplied, be, and they are hereby repealed.

CHAPTER MMDCLXXV.

1807.

An ACT to incorporate the Lancaster and Susquehanna Insurance Company.

SECT. 1. [THE society incorporated by the name of "The Lancaster and Susquehanna Insurance Company," with the usual privileges. Income limited, and to have a common seal, and power to alter and renew it, and power to make and execute by-laws; &c. 2. All joint stock, estate and records, &c. held and claimed at passing of this act vested in the company. 3. Capital stock may be increased from one hundred thousand, to any sum not exceeding three hundred thousand dollars. If so ordered by the holders of two thirds of the present stock, &c. subscriptions for increased stock to be made upon the original plan. Stock transferable, and the terms of payment prescribed; and forfeiture in case of neglect or refusal to pay the instalments in ten days after the same shall become due. Directions how the capital stock may be invested. 4. No corporation, nor persons not citizens shall be admitted to become members. 5. The affairs of the company to be managed by seventeen directors. How vacancies are to be supplied, and for what time. Names of the present directors. How long to continue in office, and proviso in case elections are not held on the days prescribed. 6. The directors authorized to appoint their own officers, &c. 7. Constitution of the corporation. (1) Of general meetings of the stockholders. Directors to state the affairs of the company to the stockholders. Power to make all lawful rules and regulations. (2) Of the votes for directors, &c. Of voting by proxy. (3) Of compensating the president. (4) Of the objects of insurance, and loaning money. (5) Of stated and occasional meetings of the directors. (6) By what number of stockholders a general meeting may be called. Of which two weeks notice to be given. (7) Of transferring stock. (8) Half yearly dividends to be declared, &c. (9) Any member may be assured by the company. (10) How public securities, and evidences of debts shall be taken, and deposits secured. (11) How policies shall be subscribed, and losses adjusted and paid, &c. Upon a controversy arising, the case to be submitted to the decision of arbitrators. 8. Restrictions on the powers of the company, as to banking. This act to continue in force until the second Monday in December, 1816, unless the corporation by consent of the stockholders shall be sooner dissolved. In which case sufficient deposits shall be made to answer all risks and engagements. And the powers of the directors to continue until a final adjustment and satisfaction of claims take place.]

Passed 19th March, 1807.—Recorded in Law Book No. X. page 473.

CHAPTER MMDCLXXVI.

An ACT to alter the time of holding the June fair in the borough and county of Lancaster.

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly

1807.

Time of
holding the
fair in the
borough of
Lancaster
altered.

met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the fair allowed by law to be held in the borough of Lancaster, in the county of Lancaster, on the twelfth of June annually, shall commence and be held on the first Thursday of June in every year, any law or usage to the contrary notwithstanding.

Passed 19th March, 1807.—Recorded in Law Book No. X. page 478.

CHAPTER MMDCCCLXXVIII.

An ACT establishing an Academy in the Borough of Wilkes-Barrè, in the county of Luzerne, and granting a sum of money thereto.

SECT. 1. [THE Wilkes-Barrè Academy established. 2. Names of the first trustees. Who, and their successors in office, are incorporated. Style of the incorporation to be, "The Trustees of Wilkes-Barrè Academy," with the usual corporate powers and privileges. 3. To have one common seal, &c. 4. Of the first meeting of the trustees. Nine to be a quorum to transact business, and enact by-laws. Of the appointment of officers. 5. By-laws shall be fairly and regularly entered in a book. No misnomer shall defeat or annul any gift, grant, &c. Nor shall any misuser or non-user cause a forfeiture, &c. 6. No sale of estate to be invalidated for want of proof that nine trustees consented to such sale unless, &c. 7. Grant of two thousand dollars, payable by the commissioners of Luzerne county out of four thousand three hundred and twenty-five dollars due by them to the commonwealth, of the money paid by Samuel Bryan in mistake.]

Passed 19th March, 1807.—Recorded in Law Book No. X. page 479.

CHAPTER MMDCCCLXXX.

An ACT to repeal the nineteenth section of the act to regulate the general elections within this commonwealth. (i)

The 19th
section of
the general
election law
repealed.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the nineteenth section of the act, entitled "An act to regulate the general elections within this commonwealth," be, and the same is hereby repealed.*

Recorded in Law Book No. X. page 481.

(i) This act was presented to the Governor on Tuesday the tenth day of March, one thousand eight hundred and seven, and was not returned by him within ten days (Sundays excepted,) and therefore, agreeably to the constitution, became a law March 23, 1807. (Note to former edition.)

CHAPTER MMDCCLXXXI.

1807.

An ACT authorizing certain persons therein named, to lease a tract of land, situate in Falls township, Bucks county, and to appropriate the rents thereof for the education of poor children in said township.

SECT. 1. [THE trustees of the Falls township free school declared to be a body politic with all necessary powers. 2. Meeting of the trustees and rotation of service prescribed. 3. Of the election of future trustees. 4. Trustees empowered to lease a certain tract of land; and apply the rents in the schooling of poor children within Falls township. The trustees to appoint a treasurer to collect the rents, who is annually to account, &c. Trustees to appoint a clerk; his duties prescribed.]

Passed 24th March, 1807.—Recorded in Law Book No. X. page 481.

CHAPTER MMDCCLXXXIII.

An ACT to incorporate Trustees for the Meadville Academy, and to establish the same.

SECT. 1. [MEADVILLE academy established. 2. Trustees of, declared to be a body politic, &c. by the style and title of "The Trustees of the Meadville Academy," with the usual corporate powers. 3. Empowered to make one common seal, &c. 4. The first and general meetings of the trustees prescribed. Fifteen trustees to be a quorum to do business. (Altered.) Of electing trustees to supply vacancies, appointing teachers, &c. 5. Further powers of the trustees. To remove teachers. To enact by-laws. To appoint committees of their own body for carrying into effect the resolutions of the board, &c. The proceedings of the corporation to be recorded, &c. Qualification of the trustees to be taken before any Justice of the Peace of the state. See a supplement—post. chap. 2993.]

Passed 31st March, 1807.—Recorded in Law Book No. X. page 484.

CHAPTER MMDCCLXXXIV.

A SUPPLEMENT to an act entitled "An act to erect the town of Canonsburgh in the county of Washington, into a Borough." [Vol. 3. pa. 489.]

SECT. 1. [THE time for electing borough officers changed.]

SECT. II. *And be it further enacted by the authority aforesaid,* That the law of the borough aforesaid, which prohibits hogs running at large, be, and the same is hereby confirmed, any law to the contrary notwithstanding. (k)

The law prohibiting hogs from running at large confirmed.

Passed 31st March, 1807.—Recorded in Law Book No. X. page 486.

(k) See a further supplement, post. chap. 2961, by which the time of holding their annual election for borough officers, is changed to the third Friday in March in each year. (Note to former edition.)

1807.

CHAPTER MMDCCCLXXXVI.

A further SUPPLEMENT to the act, entitled "An act to provide for the erection of houses for the employment and support of the poor, in the counties of Chester and Lancaster," and a SUPPLEMENT to the act entitled "An act to provide for the erection of a house for the employment and support of the poor in the county of Delaware."

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the directors of the poor and houses of employment for the counties of Chester, Lancaster and Delaware, respectively, shall, on or before the first Monday in December, in each and every year, furnish to the commissioners of the proper county, an estimate of the expense of the poor and house of employment for one year, and the commissioners are hereby authorized and required to assess, levy and collect the amount thereof in addition to the county tax, which sum, so levied and collected, shall be paid to the said directors by the respective county treasurers, on warrants drawn by the county commissioners in their favour; and also to pay over in the same manner, any monies which may have been assessed, levied and collected for the uses aforesaid, in consequence of any former requisitions of the said directors.*

The directors of the poor and houses of employment for the counties of Chester, &c. to furnish to the county commissioners annually, an estimate of the sum wanted for the use of the poor; which is to be assessed and collected in addition to the county tax, &c.

How the property of any deceased pauper is to be disposed of.

SECT. II. *And be it further enacted by the authority aforesaid, That if upon the death of any pauper, in either of the houses for the employment and support of the poor, in the counties of Chester, Lancaster and Delaware, it should appear, that such poor person died possessed of property, the same shall be recovered and collected by, and vested in the directors of such institutions, and be by them applied to the support thereof: Provided always, That it shall be the duty of the said directors, to give public notice in at least two newspapers for at least four weeks, of the death of such person, and the property in their hands, and to pay over the same, first deducting therefrom all the expenses incurred on account of such person to his or her heirs or legal representatives: Provided, The same shall be claimed within three years after the death of such person.*

Passed 31st March, 1807.—Recorded in Law Book No. X. page 486.

CHAPTER MMDCCXCII.

An ACT to enable the Governor to incorporate a company for making an artificial road by the best and nearest route, from the borough of York to the Maryland line, at the place the present York road passes the same, or as near thereto as the commissioners shall find expedient.

SECT. 1. [COMMISSIONERS named for the purpose of receiving subscriptions to the York and Maryland line turnpike road.

Form of subscription. Commissioners to give notice of the times and places of opening the books. Who may subscribe. How long the books are to be kept open. Of adjournments of the commissioners. Ten dollars on each share to be paid at the time of subscribing. 2. When the company may be incorporated, and the style of the corporation to be "The President, Managers and Company of the York and Maryland line turnpike road," with the usual corporate powers, &c. 3. Commissioners to give notice to the subscribers to meet for organizing the company. Officers to be chosen. General powers, immunities, duties, &c. of the company, to be the same as granted to the Susquehanna and York borough turnpike road, (ante. page 161.) Time for beginning the Susquehanna and York turnpike extended.] 1807.

Passed 31st March, 1807.—Recorded in Law Book No. X. page 503.

CHAPTER MMDCCXCIII.

An ACT granting an annuity to Archibald M'Fall. (l)

Passed 31st March, 1807.—Recorded in Law Book No. X. page 507.

(l) An annuity of forty dollars is commencing 1st January, 1807. Payable granted to Archibald M'Fall of Ches- ble half yearly to John G. Bull, &c. ter county, an old revolutionary soldier, (Note to former edition.)

CHAPTER MMDCCXCIV.

An ACT to authorize the secretary of the land-office to sign patents for land and land warrants.

[SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the secretary of the land-office be, and he is hereby authorized and required to sign all patents and warrants that have issued and are not already signed, and that shall issue before the first day of January next, and the same shall be as available in law to all intents and purposes as if the same had been signed by the governor.*] (m)

Passed 4th April, 1807.—Recorded in Law Book No. X. page 507.

(m) This act is extended, (post. chap. 1818. But it is supplied by the act of 2875,) until the first day of January, 29th March, 1809, (§ 8)

CHAPTER MMDCCXCVI.

A SUPPLEMENT to an act, entitled "An act to enable the Governor of this commonwealth to incorporate a company for making an artificial road from Lancaster through Elizabeth town to Middle-town." [Original act, ante. pa. 134, see vol. 3, page 329.]

SECT. 1. [CERTAIN provisions in the further supplement to the act incorporating the Philadelphia and Lancaster turnpike com-

1807. } company extended to the Lancaster and Middletown turnpike company. 2. Authorized to erect a bridge over Swatara creek. Compensation to be made individuals for injury done thereby. Governor to grant a license for receiving tolls for passing the bridge. Rate of tolls prescribed, and penalty for receiving more toll than is hereby allowed. To what purpose the forfeiture is to be applied. 3. Estimate of oxen in fixing toll. 4. On what principles the toll may be extinguished. 5. The company to leave a sufficient road to ford the creek.]

Passed 4th April, 1807.—Recorded in Law Book No. X. page 508.

CHAPTER MMDCXCXVII.

(Original act, ante. pa. 337.)

A SUPPLEMENT to the act, entitled "*An act directing the mode of selecting and returning jurors.*"

SECT. 1. [ASSESSORS required to return the names of white male citizens to county commissioners to serve as jurors, &c. County commissioners to deposit them in the wheels. Penalty for neglect, &c. (repealed.)]

Commissioners on receiving notice from the Sheriff to draw from the wheels a sufficient number of jurors.

SECT. II. *And be it further enacted by the authority aforesaid,* That whenever any process shall be issued for summoning a jury in any of the courts of this commonwealth, the sheriff shall immediately on receiving the same, give notice thereof to the county commissioners, who, or any two of them with the sheriff, shall proceed to draw out of the proper wheel as many of the slips of paper therein contained, as there are jurors to be summoned upon such process, and the names contained on such slips of paper shall be the persons who are to be summoned to serve as jurors at the then next court, unless any of them shall be dead, or shall have changed their place of residence to any other county, or be absent from the county, and if the persons named on any of the said slips of paper so drawn, shall be dead or removed, then they shall destroy such slips of paper, and proceed to draw out of the said wheel until the said panel shall be completed, and it shall be the duty of the sheriff to summon the several persons whose names are so drawn out, at least ten days previous to the sitting of any such court, and to make return in what manner he has served such process.

How the places of absentees are to be supplied.

Prothonotaries to return to the Sheriff and commissioners, defaulting jurors, &c.

SECT. III. *And be it further enacted by the authority aforesaid,* That the prothonotaries or clerks of the several courts shall after the end of each term or session, certify to the sheriff and commissioners, the names of the jurors who appeared and served at such court, and also those who made default, or were excused from serving, or were privileged or exempted from serving on juries; and the names of those who made default, or were excused from serving, shall be returned immediately to the wheel from which they were drawn, and those who were privileged or exempted from serving shall not again be put into the wheel.

SECT. 4. [Assessors to make their returns triennially, when all the names are again to be deposited in the wheel. (Repealed.)]

SECT. V. *And be it further enacted by the authority aforesaid,* 1807.
That the number of special jurors to be drawn, summoned and returned to serve in the Court of Common Pleas of Philadelphia county, and in the Court of Nisi Prius holden in said county, shall be forty-eight, and the number of general or common jurors shall not be less than forty-eight, nor more than sixty; and in any other county not less than thirty-six nor more than sixty.

Number of jurors to be drawn in common pleas and nisi prius of Philadelphia county; in other counties. When this act is to take effect.

SECT. VI. *And be it further enacted by the authority aforesaid,*
That this act shall take effect at the first term, or sessions in each county, to be holden after the first day of January next, from and after which day so much of the act to which this is a supplement, as is hereby altered or supplied, be, and the same is hereby repealed: *Provided,* That the fifth section of this act shall go into operation at the first drawing of jurors, after the last day of May next.

When the fifth section is to go into operation.

Passed 4th April, 1807.—Recorded in Law Book No. X. page 510.

CHAPTER MMDCCXCVIII.

An ACT for exploring, and making a road from the point where the Coshecton and Great Bend Turnpike passes, through Moosic mountain in a western direction to the west line of the state. (n)

Passed 4th April, 1807.—Obsolete.—Recorded in Law Book No. X. page 511.

(n) The report of the commissioners appointed to explore and mark out the road under this act, has been made into the office of the secretary of the commonwealth, and confirmed, and the road directed to be opened. (Post. chap. 2992.) (*Note to former edition.*)

CHAPTER MMDCCXCIX.

An ACT authorizing the Court of Quarter Sessions of Butler county, to direct a review of that part of the state road, leading from Blair's Gap, to the western boundary of the state, which lies between the twenty-fourth, and twenty-seventh mile trees.

SECT. 1. [PART of Blair's gap road to be reviewed by persons to be appointed by the Court of Quarter Sessions of Butler county. Whose report upon being approved and confirmed shall be filed in the office of the clerk of said court, &c.]

Passed 4th April, 1807.—Recorded in Law Book No. X. page 512.

CHAPTER MMDCCCII.

An ACT imposing certain penalties upon persons defrauding incorporated Turnpike Companies of their legal tolls, and also upon gate-keepers, for demanding or receiving in advance greater tolls than in proportion to the distance travelled.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly*

1807. *met, and it is hereby enacted by the authority of the same, That* from and after the first day of June next, no gate keeper, or toll gatherer, of any incorporated turnpike company within this commonwealth, shall at any gate fixed or to be fixed on any such road, knowingly and wilfully take or receive from any person or persons passing through the same, a greater toll in advance than shall be in proportion to the distance such person or persons shall travel or pass on said road between such gate and the gate next thereto, under the penalty of ten dollars for every such offence, to be recovered to, and for the use of the party aggrieved, and if any person or persons shall defraud any such company by travelling or using such road for a greater distance than in proportion to the toll, he, she or they shall have so paid at any such gate, such person or persons so offending, shall forfeit and pay for the use of the proper company for every such offence, the sum of ten dollars, to be recovered in like manner as other penalties in the proper act of incorporation, upon due proof thereof are recoverable.

Passed 4th April, 1807.—Recorded in Law Book No. X. page 514.

CHAPTER MMDCCCIV.

An ACT for the removal of the powder magazine from the city of Philadelphia.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* John Dunlap, Thomas Leiper, Matthew Shaw, Stephen Decatur, and John Singer or any three of them, be, and they are hereby appointed on behalf of the commonwealth, to make sale of the powder magazine and buildings belonging thereto, with the lot or square on which they are erected, and are hereby authorized to convey the same, reserving the use and possession thereof, until a magazine or magazines shall be erected, to which the powder may be removed, agreeably to the provisions hereinafter mentioned; and out of the money arising from said sale, or as much thereof as may be thought necessary, shall purchase one or more lots of ground, and cause to be erected thereon, two or more magazines and other necessary buildings for the deposit and safe-keeping of gun-powder, constructed in such manner as shall render them most secure against accidents by fire, and shall pay any money that may remain, into the State-treasury, first deducting a reasonable compensation for the attendance of the commissioners, and the said commissioners may, if they deem it necessary, erect a magazine to accommodate the traders of the city for the purpose of supplying the daily demands of customers, which shall not be less than one mile from Philadelphia, and shall not be of capacity to contain more than ten tons of powder, and shall erect one or more magazines to store or deposit powder in large quantities, which shall not be less than four miles from the city, reserving to the state the right at all times to deposit any powder belonging to the public therein.

Penalty on gate keepers of turnpike roads receiving a greater advance toll than is authorized by law.

Penalty on persons defrauding turnpike companies of their toll.

[See chap. 1268, vol. 2, pa. 401, and the note thereto, and the act of 25th February, 1803 (post. chap. 2023.) Commissioners appointed to sell and convey the powder magazine of Philadelphia &c.

And with the proceeds of such sale to purchase ground, &c.

Compensation to commissioners. Commissioners may erect a magazine for traders, &c.

And one or more magazines, &c.

SECT. II. *And be it further enacted by the authority aforesaid,* 1807.
That as soon as the said magazine or magazines shall be completed, it shall be the duty of the superintendant or keeper of the magazine, to cause all the powder at that time deposited in the present magazine, to be removed therefrom at the expense of the owners of the powder, to the magazine or magazines hereby directed to be built, and all gun-powder thereafter manufactured in the county of Philadelphia, or imported or brought into the same, shall be deposited and kept in the said new magazine or magazines, under and subject to all the regulations and penalties now in force, with regard to the inspection and deposit of gun-powder in the present magazine.

Keeper to remove the powder from the old to the new magazine.

Passed 4th April, 1807.—Recorded in Law Book No. X. page 516.

CHAPTER MMDCCCV.

A further SUPPLEMENT to the penal laws of this state.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That instead of two years imprisonment, to which the power of the courts of this commonwealth is limited, in, and by the fourth section of an act entitled “An act to reform the penal laws of this state,” the said courts respectively shall hereafter be invested with the power of extending the confinement in such cases, to a period not exceeding seven years in their discretion, according to the circumstances of the case before them: *Provided always,* That the power thus conferred on the said courts shall not extend to offences enumerated in the said section, of bigamy or of being an accessory after the fact, in any felony, or of receiving stolen goods, knowing them to have been stolen.

[See chap. 1505, (vol. 2, pa. 531,) and the notes thereto.]

Courts may sentence to confinement at hard labour for any term not exceeding seven years, in certain cases, &c.

SECT. II. *And be it further enacted by the authority aforesaid,* That any person convicted in any county in this state, other than the county of Philadelphia, of any of the offences alluded to in the foregoing section, for which he or she shall be sentenced to hard labour for the space of two years or upwards, may at the discretion of the court in which such person shall be convicted, within three months after such conviction, be removed to the gaol in the said county of Philadelphia, therein to be confined, fed, clothed and employed at hard labour, according to law, for the remaining part of the time for which by such sentence he or she shall be liable to imprisonment.

Convicts may be removed, &c.

SECT. III. *And be it further enacted by the authority aforesaid,* That where any person charged with having committed a felony in the city of Philadelphia, or in any county in this state, shall go or escape into any other county of this state, or into the city aforesaid, it shall and may be lawful for the president or any judge of the Court of Common Pleas in the county where the said person may be found, to issue his warrant authorizing and requiring the sheriff of the said county to take the said person, and conduct him or her to the pro-

Proceedings as to persons who escape, &c.

1807!

per county or city where the said felony is alleged to have been committed, the expenses of which shall be paid to the said sheriff by the county or city to which the said person is conducted.

Penalty on neglect or refusal of gaolers to give notice, &c.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if any gaoler shall neglect or refuse to give notice, or furnish a complete calendar or list of all persons committed under sentence of servitude, to the commissioners of the proper county, as is directed by the thirtieth section of the act to which this is a further supplement, if the Courts of Quarter Sessions shall have ordered the gaoler so to do, he shall forfeit and pay for every such neglect or refusal, the sum of one hundred dollars, and if the said commissioners of any county after the receipt of such notice or calendar, shall neglect or refuse to procure sufficient articles and materials of labour and manufacture, or otherwise neglect the duties enjoined upon them by the said thirtieth section, such commissioners or any of them so neglecting or refusing, shall forfeit and pay the sum of one hundred dollars, for every such neglect or refusal; and if by the report of the commissioners of any county to the Court of Quarter Sessions, it shall appear that there is not sufficient room or conveniences in and about the common gaol of any county for the employment and punishment of the convicts, as is directed by the said section, it shall be the duty of such commissioners with the consent and approbation of the court and grand jury of the proper county, to cause to be erected such additional buildings as may be necessary for that purpose, and if need be, to purchase ground proper and convenient for the erection of such additional buildings at the expense of the proper county.

And upon commissioners for neglect of duty.

Commissioners may cause to be erected additional buildings, &c.

Penalty on selling spirituous liquors in the gaol, except in cases of sickness.

SECT. V. *And be it further enacted by the authority aforesaid,* That if any gaoler shall sell or suffer to be sold to the prisoners, or other persons, any spirituous liquors, or shall suffer any spirituous liquors under any pretence whatever, except in cases of sickness, to be given to any of the said prisoners in any quantity or measure, such gaoler, so offending, upon conviction thereof shall forfeit and pay the sum of fifty dollars for every such offence, and shall be moreover removed from being the keeper of such gaol or prison, and it shall be the duty of the court of the proper county to examine into the conduct of the gaoler in this respect at each Court of Quarter Sessions, and if necessary, to send for and examine witnesses in this behalf.

Penalty on gaolers suffering prisoners to escape.

SECT. VI. *And be it further enacted by the authority aforesaid,* That if any gaoler shall be convicted of having by his negligence suffered any prisoner committed to his custody to escape, he shall forfeit and pay for every such offence, a sum not exceeding three hundred dollars.

Penalties how to be recovered.

SECT. VII. *And be it further enacted by the authority aforesaid,* That all penalties inflicted by this act, shall be recovered upon conviction for the offence, in the Court of Quarter Sessions of the proper county, by indictment or information.

Repeal of part of the former law.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the thirty-fifth section of an act, entitled "An act to reform the penal laws of this state," passed the fifth day of April, one

thousand seven hundred and ninety, be, and the same is hereby repealed. 1807.

Passed 4th April, 1807.—Recorded in Law Book No. X. page 517.

CHAPTER MMDCCCX.

An ACT to authorize the governor to incorporate a company for making an artificial road from the Philadelphia and Lancaster turnpike road, in Lancaster county at or near the Gap tavern, to the line of the state of Delaware. (o)

SECT. 1. [COMMISSIONERS to open books and receive subscriptions to the Gap and Newport turnpike road. Form of subscription. Notice of the times and places of subscription to be published. For what time the books are to be kept open. Of the adjournment of the commissioners and notice thereof. Subscribers to pay ten dollars for every share subscribed. 2. When a certain number of shares are subscribed, commissioners to certify, &c. to the Governor, who may thereupon incorporate the subscribers by the name of "The President, Managers and Company, of the Gap and Newport turnpike company," with the usual corporate powers, &c. 3. Commissioners to notify the subscribers to meet for the purpose of organizing the corporation. Officers to be chosen. Number of votes limited. 4. Times of annual and special meetings of the company prescribed, and their powers at such meetings. 5. Certificates of shares to be issued on part payment, and made transferrable, &c. 6. Meetings of the president and managers; and proceedings at such meetings, &c. 7. Regulations in case of neglect to pay the subscription money. 8. The president and managers, &c. may enter lands, &c. through which the road may pass to examine the ground, &c. and survey and fix the route or track of said road, &c. 9. The president, managers, &c. may enter lands, &c. to take materials. To make amends for any damage done thereby, and modes of ascertaining the damage. 10. The president and managers to erect permanent bridges, and cause a road to be laid out, &c. 11. When turnpikes are to be erected, and tolls to be allowed. Proceedings previously thereto. 12. The company authorized to appoint toll-gatherers, &c. and rate of tolls prescribed.]

SECT. XIII. *And be it further enacted by the authority aforesaid,* That if any person or persons owning, riding in or driving any carriage of burden or pleasure as aforesaid, or owning, riding, leading or driving any horse or mule, or driving any hogs, sheep or cattle as aforesaid, shall with an intent to defraud the said company, or to evade the payment of any of the tolls or duties aforesaid, pass therewith through any private gate or bar, or along, or over any

Penalty on persons convicted of defrauding the company of the legal toll.

(o) By an act (post. chap. 2930,) the governor is authorized to subscribe for 100 shares of stock of this company, on behalf of the commonwealth. (Note to former edition.)

1807. private passage-way or along or over any other ground or land near to or adjoining any turnpike or gate, which shall be erected in pursuance of this act, or if any person or persons shall with the intent aforesaid take off or cause to be taken off any horse or other beast or cattle of draught or burden from any carriage of burden or pleasure, or shall practise any other fraudulent means or device, with the intent to evade or lessen the payment of any such toll or duty, all and every such person or persons offending in manner aforesaid, shall for every such offence respectively forfeit and pay to the president, managers and company, of the Gap and Newport turnpike-road, the sum of fifteen dollars, to be sued for and recovered with costs of suit, before any justice of the peace, in like manner and subject to the same rules and regulations as debts of equal amount are or may be by law recoverable.

Proceedings
in case the
road is not
kept in good
repair.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good and perfect order and repair, for the space of fifteen days, and information thereof shall be given to any Justice of the Peace of the proper county, such Justice shall issue a precept, directed to any constable, commanding him to summon three judicious freeholders, to meet at a certain time in the said precept to be mentioned, at the place in the said road which is complained of; of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said Justice shall at such time and place by the oath or affirmation of the said freeholders, enquire whether the said road or any part thereof is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made, under the hands and seals of himself and a majority of the said freeholders; and if the said road shall be found by the said inquisition not to be in such good order and repair, as herein is required, he shall so certify, and send one copy of the said inquisition to each of the keepers of the turnpikes or gates, between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, for the intermediate distance between them, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put into good and perfect order and repair as aforesaid: and if any of the keepers of the gates aforesaid, shall take or attempt to exact tolls, for the intermediate distance between the gates aforesaid, from any traveller during the time the road shall continue out of repair, such keeper shall forfeit and pay to the person who shall prosecute for the same, the sum of five dollars, to be recovered before any Justice of the Peace as debts of equal amount are or may be by law recoverable; but if the same road shall not be put into good and perfect order and repair before the next ensuing Court of Quarter Sessions of the proper county, the said Justice shall certify and send a copy of the said inquisition to the Justices of the said court, and the said court shall thereupon cause process to issue, and bring in the bodies of the person or persons entrusted by the company with the care and the superintendence of such part of the said road as shall be found defective as aforesaid, and shall direct a bill of indictment to be sent to the grand in-

Penalty on
toll gather-
ers for exact-
ing tolls
whilst the
road shall
continue out
of repair.

Further pro-
ceedings if
the road
shall con-
tinue out of
repair until
the next en-
suing Court
of Quarter
Sessions.

quest, against the person or persons entrusted as aforesaid, and upon conviction shall give such judgment, according to the nature and aggravation of the neglect, as the said court in their discretion shall judge proper: *Provided*, The fine in no instance shall be less than twenty dollars, nor exceeding one hundred dollars; and the fines, so to be imposed, shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said county, and shall be paid to the supervisors of the highways of the place wherein the offence was committed; to be applied to repairing such highways as the township or county is bound to repair at the public expense thereof.

1807.

Limitation
of the fines
to be impos-
ed for such
neglect.

SECT. 15. [The president and managers to keep an account of all monies which shall be received, &c. And also of monies expended, &c. Accounts of which to be annually submitted to a general meeting of the stockholders. The number of shares may be increased if the original subscription shall be found to be insufficient. 16. President and managers to keep a true account of tolls. To make and declare a dividend of the clear profits and income; and to publish the same half yearly. 17. Accounts to be laid before the legislature in order to ascertain the clear yearly income. And if the profits do not amount to six per cent. the tolls may be increased. But never to exceed nine per cent. 18. Posts of direction to be erected. And mile-stones to be placed on the side of the road. Printed rates of tolls to be affixed on the gates.]

SECT. XIX. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully break, deface, pull up or prostrate any mile-stone, which shall be placed in pursuance of this act on the side of the said road, or shall obliterate the letters or figures inscribed thereon, or shall wilfully break, pull down, deface, destroy or injure any direction-post, which shall be erected in pursuance of this act, at the intersection of any road as aforesaid, or the board or index-hand affixed thereto in conformity with the directions of this act, or shall obliterate the letters or figures inscribed or marked thereon, or destroy, deface or obliterate the letters, figures or other characters, marked at any turnpike or gate, which shall be erected in pursuance of this act, for all or any of the purposes therein mentioned, or the whole or any part of any printed list of the rates of tolls which shall be affixed in pursuance of the directions of this act, at any such gate or turnpike, he or they so offending in the premises shall and each of them shall for every such offence, severally and respectively, forfeit and pay to the said president, managers and company, the sum of twenty dollars, to be sued for and recovered with costs of suit before any Justice of the Peace in manner aforesaid.

Penalty for
defacing in-
dex-posts,
mile-stones,
&c.

SECT. XX. *And be it further enacted by the authority aforesaid*, That all waggoners, carters and drivers of carriages of all kinds, whether of burthen or pleasure, using the said road, shall, except when overtaking and passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road, in the passing direction, leaving the other side of the said road, free and clear for other carriages to pass and repass; and if any waggoner, carter or driver shall offend against this provision, he

Drivers to
keep to the
right hand
side in the
passing di-
rection.

Penalty for
non compli-
ance.

1807. shall forfeit and pay any sum not exceeding two dollars to any person who shall, by reason thereof, be obstructed in his passage, and will sue for the same before any Justice of the Peace ; to be recovered with costs in like manner aforesaid.

Penalty on toll-gatherers for receiving more than legal toll.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That if any toll-gatherer on the said road shall demand from any person or persons, using the said road, any greater rate of toll than by this act is authorized and allowed, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence ; one half to the use of the supervisors of the roads or highways of the township in which the forfeiture shall be incurred, and the other half to the use of the person suing for the same ; to be recovered before any Justice of the Peace of the county where such offence shall have been committed.

In case any suit is not sustained by the plaintiff or prosecutor, the person prosecuted shall recover by the judgment of the justice, &c.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That if in the case of any suit or prosecution which shall be commenced under the directions of this act, for any penalty incurred under the same, whether by or against the said company, their servants or assignees, the said suit or prosecution shall not be sustained by the plaintiff or prosecutor, then, and in such case, the person or persons prosecuted as aforesaid, shall recover by the judgment of the justice before whom such suit or prosecution shall be depending, or by action before the Court of the Common Pleas of the proper county, (if such prosecution had been instituted before the Court of General Quarter Sessions of the Peace) such sum, not exceeding the amount of the penalty for which the suit or prosecution shall be commenced, as shall be deemed a reasonable retribution for the vexation of such suit or prosecution.

Limitation of time within which actions under this act, are to be commenced.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That no suit or action shall be brought or prosecuted by any person or persons for any penalties incurred under this act, unless such suit or action shall be commenced within three months next after the fact committed, and the defendant or defendants, in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by the authority of this act.

SECT. 24. [Limitation of time for commencing and finishing the road. Proceedings if the legislature should think proper to purchase the road. 26. When this act shall commence and take effect, to depend on a law of the state of Delaware. 27. How persons sustaining damage shall be compensated.]

Passed 7th April, 1807.—Recorded in Law Book No. XI. page 2.

CHAPTER MMDCCCXIII.

[See chap. 4079, vol. 3, pa. 386, and the notes thereto, and the supplement, post, chap. 2995.]

An ACT supplementary to the several acts of this commonwealth concerning partitions, and for other purposes therein mentioned.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly*

met, and it is hereby enacted by the authority of the same, That 1807.
 the Courts of Common Pleas of the different counties in this commonwealth, be, and they are hereby authorized to issue writs of partition in all cases in which partition is demanded, of lands, tenements or hereditaments in this commonwealth, owned and held in jointenancy, coparcenary or in common, and whether the demandant or defendants be minors or of full age; and where a minor or minors is or are the defendant or defendants in any action of partition, the writ shall be served upon his, her or their guardian or guardians, or if he or she have no guardian, then upon a guardian to be appointed for this purpose by the court, or notice thereof given in the manner hereinafter directed, and upon appearance of the parties, or on default being made, the court shall proceed to examine the plaintiff's title and quantity of his part or purpart, and accordingly as they shall find his right or purpart to be, they shall give judgment, and award a writ to make partition whereby such proportion or purpart shall be set out in severalty, which writ being executed after ten days public notice, and the inquest of partition being returned and final judgment thereupon entered, the same shall be good and shall conclude all persons whomsoever, in the same manner as though the parties were under no disability of age or otherwise, and notwithstanding all persons concerned are not named in the proceedings, nor the title of the defendants truly set forth.

Courts of Common Pleas authorized to issue writs of partition, &c.

In case the defendant be minors, the writs, &c.

If there be no guardian one to be appointed. The court to examine title, &c.

Of the notice to be given previous to the execution of the writ. Return of inquest and judgment, &c.

How and in what time judgment by default may be set aside, &c.

SECT. II. *And be it further enacted by the authority aforesaid,* That if any defendant or other person against whom or against whose right or title, judgment by default be given, shall within the space of one year after the final judgment entered, apply to the court by motion where such judgment is entered, and shew a good and probable matter in bar of such partition, or that the plaintiff hath not title to so much as he hath recovered, then in such case the court may suspend or set aside such judgment and admit the party to appear and plead, and the cause shall proceed according to the due course of law; and if the court upon hearing thereof, shall adjudge for the plaintiff, then the said first judgment shall stand confirmed, or in case such defendant or other person shall, within the time aforesaid appear and admit the plaintiff's title, part or purpart, and shew to the court any inequality in the partition, the court may award a new partition to be made in presence of all parties concerned, if they will appear, notwithstanding the return and filing upon record of the former, which said second partition returned and filed, shall be good and firm against all persons whomsoever.

SECT. III. *And be it further enacted by the authority aforesaid,* That where any of the defendants in any action of partition reside in the county where the lands lie, service of the said writ shall be made upon them by the sheriff of the county or his deputy, by leaving a copy of the writ at his, her or their usual place of abode, at least fifteen days before the return day thereof; and when any of the said defendants reside out of the county where the lands lie, but within this commonwealth, service of the said writ shall be made upon them in like manner by the sheriff of the county where the lands lie, or his deputy; and where any of the said defendants reside out of this commonwealth, or beyond seas, a copy of the said

Of the service of writs of partition on defendants residing in the county where the lands lie.

In case they reside out of the county.

In case they reside out of the commonwealth, or beyond seas.

1807.

writ shall be published in one public newspaper printed within or nearest to the said county, and in one daily newspaper of the city of Philadelphia, for the space of two months prior to the said return day, which said publication shall be deemed and taken by the court, and it is hereby declared to be a good and effectual service of the said writ upon the defendant or defendants so residing out of this commonwealth: *Provided always*, That where the lands lie in more than one county, the service aforesaid shall be made by the sheriff of the county where the action is brought.

In case the lands lie in more than one county.

Pleas in abatement not to be admitted in suits for partition.

Proceedings where equal partition cannot be made.

SECT. IV. *And be it further enacted by the authority aforesaid*, That no plea in abatement shall be admitted or received in any suit for partition, nor shall the same be abated by reason of the death of any defendant.

SECT. V. *And be it further enacted by the authority aforesaid*, That where equal partition in value cannot be made of any share or purpart, the sheriff and inquest shall have power to equalize such partitions or purparts, by valuing the purparts respectively, and to award that any one or more shares or purparts shall be subject to the payment of such sum of money as shall be equal to the difference in value of any other share or shares, purpart or purparts, and shall return the same with their inquest, which sum or sums of money, when final judgment shall be rendered on such writ of partition, shall be a lien on the lands or tenements which the inquest aforesaid shall have determined to be liable to pay the same.

In case the widow of an intestate be living and entitled to part of the real estate during her life, her part to be valued and apportioned, &c.

SECT. VI. *And be it further enacted by the authority aforesaid*, That when partition is made of an intestate's real estate and a part is allotted to each of his children or representatives, in case there be a widow of the intestate living and entitled to a part of the said real estate during her life; it shall be the duty of the inquest or referees making partition to estimate the value of the said part, and to apportion the same among the respective shares of the children or representatives; and upon confirmation thereof by the Orphans' Court, the same shall remain as a charge upon the said shares, and the interest thereof shall be annually and regularly paid to such widow, and may be recovered by action of debt or by distress as rents are usually recovered in this commonwealth; and where the estate of the intestate is divided into fewer parts than there are children or representatives, the same proceedings shall be had to estimate and apportion the widow's purpart among the said parts, which shall remain a charge thereon, and the interest thereof shall be paid and may be recovered as aforesaid; and upon the decease of any such widow, the whole value of the said purpart shall be distributed among all the said children or representatives in proportion to their respective shares, according to law.

How the widow's share shall be distributed on her death.

Proceedings where the estate of an intestate is divided into fewer parts than there are representatives, &c.

SECT. VII. *And be it further enacted by the authority aforesaid*, That where the estate of an intestate is divided into a fewer number of parts than there are children or representatives, and any one or all of the said parts is or are refused to be taken by the children or representatives, the like proceedings shall be had to sell the parts so refused, as is directed in case of an appraisement of the whole, in and by an act passed the second day of April, one thousand eight hundred and four, entitled "A further supplement to the act enti-

1807.

fled "An act directing the descent of intestates' real estates and distribution of their personal estates, and for other purposes therein mentioned;"* and any such sale or sales heretofore made by the decree of any Orphans' Court is, and are hereby ratified and confirmed.

[* Ante. p. 183.]

SECT. VIII. *And be it further enacted by the authority aforesaid,* That in order to give the younger children, or representatives of an intestate, an opportunity of accepting or refusing the estate of the intestate, in case of an appraisement or partition into fewer parts than there are children or representatives, the Orphans' Courts† of the different counties of this commonwealth are hereby authorized, upon application, to grant a rule upon any of the children or representatives, to come into court within a certain time, and to accept or refuse the same; a copy whereof shall be served upon the party personally, ten days before the return thereof in case he, she or they reside within the county, or if they reside out of the county, a copy of the rule shall be published in at least one newspaper printed in the proper county, or if there be none therein, then in some adjacent county, and in one daily newspaper of the city of Philadelphia, for the space of one month before the return thereof; and in case he, she or they do not come in, according to the said rule, and accept or refuse, the court shall and may direct the same to be offered to the next child or representative in order.

In case of an appraisement or partition of an estate into fewer parts than there are children, the Orphans' Court authorized to offer the same to any of the children, &c.

SECT. IX. *And be it further enacted by the authority aforesaid,* That where any person shall die intestate, after the passing of this act, leaving lands or tenements in more than one county in this commonwealth, if after inquisition held, any of the legal representatives of such intestate shall accept of the real estate upon the valuation thereof, in any one county, such person shall not have the right of preference, or elect to take the real estate, or any part thereof in any other county, until all the other heirs or legal representatives shall refuse to take the same at such valuation.

Such as accept the estate lying in one county, not to have a preference as to lands in any other county.

SECT. X. *And be it further enacted by the authority aforesaid,* That where it shall be made to appear to the Orphans' Court, that a minor child or children, is or are possessed of real estate, but is or are not possessed of personal estate, adequate to the maintenance and education of such minor child or children, then, and in every such case, the Orphans' Court of the county where the real estate lies, shall allow the guardian or guardians of such child or children to make public sale thereof, or of so much of the said real estate upon the best computation they can make of the value thereof, as the said court shall judge necessary for the purposes aforesaid, and to make a title thereto to the purchaser: *Provided always,* That the guardian or guardians aforesaid, shall, before they proceed to convey, give bond with sufficient surety to the Orphans' Court, to dispose of the proceeds of sale for the use of the said minor or minors, and to invest within six months from the receipt of the same, so much thereof, if any there be, as shall not be immediately required, in good real or other securities for the same use.

Proceedings where the personal estate of a minor is not sufficient for his maintenance and education.

† "Court," in the original.

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How the undisposed residues of personal estates are to be distributed by executors. Proviso. [See 3 Binney, pa. 557.]

SECT. XI. *And be it further enacted by the authority aforesaid,* That where any person or persons shall hereafter die, having made and executed any testament and last will, and shall not therein have disposed of the residue of his or her personal estate, the executor or executors therein named, shall distribute such undisposed of residue to and among the next of kin, agreeably to the intestate laws of this commonwealth; but nothing in this section contained shall be construed to affirm or deny the right of any executor or executors to such undisposed of residue prior to the passing of this act.

Passed 7th April, 1807.—Recorded in Law Book No. XI. page 15.

CHAPTER MMDCCCXIV.

An ACT authorizing certain persons to sell and convey a tract of land, the property of West-Calm township, in the county of Chester.

SECT. 1. [A TRACT of land bequeathed by Abraham Dawson of Chester county for the use of the poor, appropriated for the repairs of roads and highways.]

Passed 7th April, 1807.—Recorded in Law Book No. XI. page 18.

CHAPTER MMDCCCXV.

[See chap. 931, vol. 1, pa. 533, and the note thereto.]

An ACT to alter and amend an act entitled “ An act for the better support of the Public Credit, &c.” (passed the tenth day of April, one thousand seven hundred and eighty-one.

WHEREAS authority has been granted by law to the inspectors of the prison in Philadelphia, to sell or otherwise appropriate all the interest of the commonwealth, in the vacant lots the property of this commonwealth in the city of Philadelphia, unimproved by the state: *And whereas* it is represented that several of the said lots are possessed by persons who have no just or legal title to the same; and that doubts have arisen as to the right of using the summary remedy, provided by the act of which this is amendatory for certain cases therein mentioned, to obtain possession of the said lots, granted to the said inspectors: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* all and singular the powers and authorities vested in the wardens of the city of Philadelphia, by the act of which this is amendatory shall be, and the same hereby are vested in the mayor or recorder and any two aldermen of the said city, with full right to use and exercise the same, in as full a manner, as the same might or could be exercised by the said wardens of the city of Philadelphia: *Provided,* That if the party in possession shall plead title to the premises under any office-right from this commonwealth, and produce the same, the Justice of the Supreme Court shall proceed no further therein.

Powers formerly exercised by the wardens of Philadelphia now vested in the mayor or recorder and any two aldermen of Philadelphia. Proviso in favour of the party in possession, &c.

SECT. II. *And be it further enacted by the authority aforesaid,* 1807.
That the like proceedings may and shall be had, and the same remedies used to give possession of the lots, granted by law to the inspectors of the prison in Philadelphia, by virtue of this act, and of the thirteenth section of the act, of which this is amendatory, as might or could be had or used to obtain possession of the said lots if the same continued to be the property of this commonwealth.

Former proceedings and remedies revived in favour of the inspectors of prison of Philadelphia.

Passed 7th April, 1807.—Recorded in Law Book No. XI. page 19.

CHAPTER MMDCCCXVI.

An ACT granting a sum of money to the Trustees of the Union Academy of Doylestown, in the county of Bucks, for the use of said Academy. (p)

Passed 7th April, 1807.—Recorded in Law Book No. XI. page 20.

(p) Eight hundred dollars granted to the academy by this act. Poor children not exceeding three in number, at one time, to be taught gratis, but none to continue longer than one year.

See also an act authorizing a lottery to raise three thousand dollars for the use of this academy. (Chap. 2525.) (Note to former edition.)

CHAPTER MMDCCCXVIII.

An ACT for the protection of Livery Stable keepers, and Inn keepers within this Commonwealth.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, all livery stable keepers and inn keepers within this commonwealth, shall have a lien upon any and every horse delivered to them to be kept in their stables, for the expense of the keeping; and in case the owner of the said horse or horses, or the person who delivered them for keeping to the keeper of the livery stable or inn keepers, shall not pay and discharge the said expense, provided it amount to thirty dollars, within fifteen days after demand made of him personally, or in case of his removal from the place where such livery stable or inn is kept, within ten days after notice of the amount due, and demand of payment in writing left at his last place of abode, the livery stable keeper or inn keeper, may cause the horse or horses aforesaid, to be sold at public sale according to law, and after deducting from the amount of sales the costs of sale and the expense of keeping, shall deliver the residue upon demand to the person or the agent of the person who delivered the horse or horses to him for keeping: *Provided always,* That nothing in this act contained, shall be construed to impair any right of action which the said livery stable keepers or inn keepers may have against any person or persons, for the keeping his or their horse or horses.

Livery of horses to be a lien on them.

If not paid within 15 days after demand, or in case of removal from the stable, the horse may be sold to pay the expenses of keeping.

Passed 7th April, 1807.—Recorded in Law Book No. XI. page 21.

1807.

CHAPTER MMDCCCXX.

An ACT for the inspection of Hogs-lard intended for exportation.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all hogs-lard exported from any port or place on the river Delaware within this commonwealth, from and after the first day of July next, shall before exportation thereof be inspected in the same manner and under the same regulations in every particular, and by the same officer, as is directed and appointed in and by "An act for the inspection of butter intended for exportation;" passed the seventh day of January, in the year of our Lord, one thousand eight hundred and four; which act shall be, and is hereby extended to the inspection of hogs-lard, as fully and effectually as if the said act in all its parts and sections had hereby been re-enacted: Excepting nevertheless, as to the weight of lard contained in any keg of the dimensions required, in and by the said act.*

Passed 7th April, 1807.—Recorded in Law Book No. XI. page 22.

CHAPTER MMDCCCXXIV.

A SUPPLEMENT to the act entitled, "An act for the relief and support of insolvent Debtors."

WHEREAS it appears to the legislature, that the existing law for the relief and support of insolvent debtors, is defective, there being no effectual provision therein, to compensate gaolers for the maintenance of such debtors while in confinement: For remedy whereof,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That where any person confined for debt in any gaol of this commonwealth, shall assign his or her property for the benefit of his or her creditors, the fees and charges of maintenance due the gaoler at the time of the discharge of said debtor, (being approved by the court) shall have the priority, and be paid out of the property so assigned, previous to any distribution of the same.*

SECT. II. *And be it further enacted by the authority aforesaid, That it shall be the duty of the several courts of Common Pleas in this commonwealth, at their first term in each and every year, to fix and order a daily allowance for all such poor and insolvent debtors, as shall or may be confined in the prison of their respective county during the year, and have not property to support themselves; and it shall be the duty of the plaintiff or plaintiffs at whose suit any such debtor may be imprisoned, his or their agent or attorney, upon notice to him or them given by the keeper of the prison, to pay the said daily allowance at the prison on every Monday morning while the debtor continues in prison, on failure whereof,*

Hogs-lard exported from the port of Philadelphia subjected to inspection, by the inspector of butter.

[See chap. 315, vol. 1, pa. 181, and the notes thereto.]

Gaoler to be first compensated for the maintenance of a debtor, before any distribution of his property takes place.

When the courts of Common Pleas are to fix and order the daily allowance of poor and insolvent debtors.

Which allowance is to be paid by the plaintiff at whose suit the debtor is imprisoned.

for the space of three days, the said debtor may apply to the Court of Common Pleas if it be in session, or if not, then to a judge of the same court, who upon enquiry and finding the said debtor to be destitute of property for his support in prison, and failure of payment to have been made as aforesaid, shall forthwith discharge the said debtor from his imprisonment : *Provided always*, That the said daily allowance shall not exceed the sum of fourteen cents.

1807.
And on failure thereof the prisoner being destitute of property may be discharged.

SECT. III. *And be it further enacted by the authority aforesaid*, That so much of any law of this state as is hereby altered or supplied, be, and the same is hereby repealed.

Passed 7th April, 1807.—Recorded in Law Book No. XI. page 25.

CHAPTER MMDCCCXXV.

An ACT to enable the Governor to incorporate a company, to make an artificial road from the court-house in the borough of Gettysburgh, through Petersburg, to the Maryland line near Biddle's mill.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions. Form of subscription. Notice to be given of the time and place of receiving them. For what time the books are to be kept open. The first payment to be five dollars for each share. 2. When a sufficiency of shares are subscribed the same to be certified to the Governor. Who shall thereupon incorporate the subscribers by the style of "The Gettysburgh and Petersburg Turnpike Road," with the usual corporate privileges. 3. The commissioners to give public notice of the time and place of meeting for organizing said company. The company then to choose officers, &c. The company to possess the same powers and be subject to the same restrictions as the Susquehanna and York borough turnpike road. (Ante. page 161.) The road to be begun in three and completed in seven years.]

Passed 7th April, 1807.—Recorded in Law Book No. XI. page 26.

CHAPTER MMDCCCXXVI.

An ACT for extending the width of Wharf-street, and regulating the wharves within the district of Southwark.

WHEREAS from the increase of trade, in the district of Southwark, the street called Wharf-street as laid out, under the act of Assembly, to which this is a supplement, is too narrow, and the docks too short to accommodate the shipping in the winter season ; and the wharves or piers erected on the plan heretofore adopted, cause the docks to fill with mud for want of a regular current of water through them ; and many of them are not sufficiently strong and durable : Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That

1807.

Wharf-
street widen-
ed.
When the
foot pave-
ment shall
be made.

the street called Wharf-street, shall hereafter be fifty feet wide, to be widened on the east side of the said street to that width, and when the intercourse through the said street shall require it, the commissioners of the district of Southwark, shall order and direct a foot pavement to be laid off, not less than twelve feet wide, with kirk-stone on the west side of the said street, under such regulations and restrictions as the foot pavements of other streets are regulated and paved in the district.

How the
street may
be wharfed.

SECT. II. *And be it further enacted by the authority aforesaid,* That all and every person or persons, intending hereafter to wharf any part of their estate beyond the west side of Wharf-street, shall in the first instance extend no further than the east side of said street, the front of which shall be composed of good solid square timber, down to the bottom, and well secured.

How pier
heads may
be sunk on
the east side
of Wharf-
street.

SECT. III. *And be it further enacted by the authority aforesaid,* That all pier heads, hereafter intended to be sunk in the river, beyond the east side of wharf-street, shall be of the width of not more than thirty feet from east and west, and shall be so sunk that the easternmost side of the said pier head, shall be at the distance of one hundred and twenty-five feet, from the east side of Wharf-street, and no more ; and the said pier shall be composed of good substantial square timber, down to the bottom, and well fitted and secured.

Of sinking
intermediate
piers.

SECT. IV. *And be it further enacted by the authority aforesaid,* That a pier or wharf, may be placed and sunk, at equal distance between the west side of the pier-head aforesaid, and the east side of Wharf-street, of not more than twenty feet in width east and west, and platformed to the pier-head and Wharf-street, or may be platformed on piles from the west side of the pier head, to the east side of Wharf-street, without the middle pier, at the discretion of the owner.

SECT. V. *And whereas,* There are certain wharves in the said district, which are already extended in such a manner, as to prevent a strict compliance with the provisions of this act :

Of wharves
extended al-
ready too
far, to per-
mit a com-
pliance with
the provi-
sions of this
act.

Be it therefore enacted, That the owner or owners, of any estates within the district aforesaid, on which such wharves have been already erected, shall be authorized to erect a pier, at the distance of one hundred and twenty-five feet, from the east side of Wharf-street, in the manner and under the regulations herein before prescribed ; but no person erecting such pier, shall be at liberty to erect a middle pier, without the consent of the wardens of the port of Philadelphia in writing ; and the said wardens shall on a view of the premises, determine whether the said middle pier shall be erected, or that a platform shall be laid on piles, from the outer pier to the wharf already erected, as the one or other shall be most conformable to the meaning, and intent of this act.

Where mid-
dle piers are
not to be
erected
without the
consent of
the wardens.

Prohibition
of erecting
wharves in
the district
of South-
wark, with-
out the con-
sent of the
wardens, &c.

SECT. VI. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, it shall be the duty of every person, intending to erect a pier or wharf, in the river Delaware, in the district of Southwark, to exhibit a plan of the same to the wardens of the port of Philadelphia ; and if the plan so exhibited is on examination, found to be conformable to the provisions

of this act, the wardens shall in writing, signify their assent to the same ; and if any person or persons shall hereafter erect or cause to be erected, or if any master workman or undertaker, shall be aiding or assisting, in erecting or sinking any pier or wharf contrary to the provisions of this act, he, she or they on conviction thereof, shall forfeit and pay to the commissioners of the district of Southwark, for the use of paving the streets of the said district the sum of four thousand dollars, to be by them recovered in any court of record in the county of Philadelphia: *Provided always*, That any thing contained in this section, shall not extend to any wharf or pier which shall be sunk west of Wharf-street.

1807.
Penalty for
so doing, &c.

Previso as
to wharves
west of
Wharf-
street.

Passed 7th April, 1807.—Recorded in Law Book No. XI. page 28.

CHAPTER MMDCCCXXVII.

An ACT vacating a part of the Old York road, and authorizing the court of Quarter Sessions of Montgomery county to direct a new road to be laid out in place thereof.

SECT. 1. [PART of the Old York road vacated. But to remain open for the space of one year. Encroachments on the road for that time made punishable. 2. How a jury is to be appointed to view the road. But freeholders adjoining the road disqualified to be viewers. 3. In case a majority of the viewers should not approve of the width and courses, to alter the same and make returns of their proceedings. And if the court confirm the same, to be a county road.]

Passed 7th April, 1807.—Obsolete.—Recorded in Law Book No. XI. page 29.

CHAPTER MMDCCCXXVIII.

An ACT vesting a title to sixty acres of land in Mahony township, Northumberland county, in certain trustees and their successors, for the benefit of a congregation composed of Presbyterians and Lutherans.

Passed 7th April, 1807.—Local act.—Recorded in Law Book No. XI. page 30.

CHAPTER MMDCCCXXIX.

An ACT to enable David Mahon, John Simpson and others, to restore a stream of water, in the neighbourhood of Shippensburg in the county of Cumberland to its ancient course, and for other purposes therein mentioned.

SECT. 1. [DAVID MAHON and others authorized to enter on the lands now in the tenure of Adam Meyer, situate in Cumberland county for the purpose of restoring a stream of water to its ancient course. But first to give notice to the owner and endeavour to purchase of him the right of entering, &c. 2. Proceedings to

1807. ascertain the damage done the owner by restoring said water-course in case he refuse to sell the right, by writ in nature of a writ of *ad quod damnum*. On payment of which damage the said David Mahon and others, authorized to enter on the premises, &c. and at all times to keep it in repair, on making amends for damages.]

Passed 7th April, 1807.—Private and Local act.—Recorded in Law Book No. XI. page 31.

CHAPTER MMDCCCXXXII.

[Original act,
ante. pa. 145.]

A SUPPLEMENT to an act, entitled “*An act to erect Somerset town, in the county of Somerset, into a borough.*”

SECT. 1. [FURTHER officers to be chosen within the borough of Somerset. Penalty on not serving. 2. Borough officers to render their accounts for settlement, annually to the auditors. Who having adjusted, shall cause them to be published. 3. Duty of the high constable as to giving notice of annual election prescribed. 4. Borough taxes limited to half a cent in the dollar in any one year, unless for some object of general utility. 5. Of the weekly markets; and two fairs annually, to be held on the first Monday in June, and fourth Monday in September, forever.]

A former act
repealed, so
far as re-
spect the
town of Som-
erset.
[Vol. 2. pa.
96.]

SECT. IV. *And be it further enacted by the authority aforesaid,* That the act, entitled “*An act to regulate fences and to appoint appraisers in each township in the counties of Bedford, Northumberland, Westmoreland, Washington and Fayette, and to encourage the raising of swine,*” passed the twenty-seventh day of March, one thousand seven hundred and eighty-four, be, and the same is hereby repealed, so far as the same respects, and is in force in the borough of Somerset, in the county of Somerset, agreeably to the now limits of the said borough.

Passed 7th April, 1807.—Recorded in Law Book No. XI. page 38.

CHAPTER MMDCCCXXXIII.

An ACT authorizing the President of the United States to open a road through that part of this state lying between Cumberland, in the state of Maryland, and the Ohio river.

WHEREAS by an act of the Congress of the United States, passed on the twenty-ninth day of March, one thousand eight hundred and six, entitled “*An act to regulate the laying out, and making a road from Cumberland in the state of Maryland, to the state of Ohio,*” the President of the United States is empowered to lay out a road from the Potomac river, to the river Ohio, and to take measures for making the same, so soon as the consent of the legislatures of the several states through which the said road shall pass, could be obtained: *And whereas*, application hath been made to this legislature, by the President of the United States, for its consent to the measures aforesaid: Therefore,

1807.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the President of the United States, be, and he is hereby authorized to cause so much of the said road as will be within this state, to be opened so far as it may be necessary the same should pass through this state, and to cause the said road to be made, regulated and completed, within the limits, and according to the intent and meaning of the before recited act of Congress in relation thereto: *Provided nevertheless,* That the route laid down and reported by the commissioners, to the President of the United States, be so altered as to pass through Uniontown, in the county of Fayette and Washington, in the county of Washington, if such alteration can, in the opinion of the President, be made, consistently with the provisions of an act of Congress passed March twenty-ninth, one thousand eight hundred and six, but if not, then over any ground within the limits of this state, which he may deem most advantageous.

The President of the United States authorized to have opened that part of the road from Cumberland to the Ohio which lies within this state, and completed agreeably to the intent of an act of Congress.

SECT. II. *And be it further enacted by the authority aforesaid,* That such person or persons, as are or shall be appointed for the purpose of laying out and completing the said road, under the authority of the United States, shall have full power and authority to enter upon the lands through which the same may pass, and upon any land near or adjacent thereto, and therefrom to take, dig, cut and carry away, such materials of earth, stone, gravel, timber and sand, as may be necessary for the purpose of completing, and for ever keeping in repair said road: *Provided,* That such materials shall be valued and appraised, in the same manner as materials taken for similar purposes, under the authority of this commonwealth are by the laws thereof, directed to be valued and appraised, and a certificate of the amount thereof shall, by the person or persons appointed, or hereafter to be appointed under the authority of the United States for the purpose aforesaid, be delivered to each party entitled thereto, for any materials to be taken by virtue of this act, to entitle him, her or them, to receive payment therefor from the United States.

The persons appointed to lay out and complete the road authorized to enter on the lands through which it may pass, &c. for the purpose of taking the necessary materials, &c.

Such materials to be valued;

and paid for by the United States.

Passed 9th April, 1807.—Recorded in Law Book No. XI. page 39.

CHAPTER MMDCCCXXXIV.

An ACT to raise by way of lottery, a sum not exceeding three thousand dollars, to enable the inhabitants of the borough of York to bring in a stream of water to supply their Fire Engines, and for other purposes. (q)

Passed 9th April, 1807.—Recorded in Law Book No. XI. page 40.

(q) Eight commissioners appointed to give bonds, and two to attend each day's drawing. When completed the fortunate numbers to be published in one newspaper printed in each of the towns of York, Lancaster, Carlisle, Chambersburg and Gettysburg. Prizes not demanded within twelve months after publication, deemed as relinquished. (Note to former edition.)

1787.

CHAPTER MCCLXXXII.

[See vol. 1,
pa. 342, chap.
477.]

An ACT to enlarge the lots in the State-house square, appropriated for building thereon, respectively, county and city court-houses.

SECT. I. WHEREAS the lot lying at the north-west corner of the State-house square, and appropriated by an act of Assembly, passed on the seventeenth day of February, in the year of our Lord one thousand seven hundred and sixty-two, for building thereon a county court-house, or common-hall, for the county of Philadelphia, and the lot lying at the north-east corner of the said square, and appropriated by the said act of Assembly for building thereon a city court-house, or common-hall, for the city of Philadelphia, respectively, extend in depth southwardly from Chesnut-street of the said city only seventy-three feet, which depth is insufficient for the said purposes: And whereas the said first mentioned lot is, by an act of Assembly of this state, passed the eighth day of April, in the year of our Lord one thousand seven hundred and eighty-five, vested in the Commissioners of the county of Philadelphia, and their successors, and the other lot is vested in the Wardens of the said city, and their successors, for the respective uses aforesaid:

Dimensions
of the lots
for building
the city and
county
court-houses,
enlarged.

SECT. II. *Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That the said lots shall respectively extend in depth, through the whole easterly and westerly breadth thereof, from the said Chesnut-street southerly, to the full extent of eighty-eight feet; and the said lots, so enlarged and extended, shall be vested respectively in the said Commissioners, and their successors, and in the said Wardens, and their successors, and to the same uses and purposes respectively, as they were before their enlargement, by this act. *Provided always,* That nothing herein contained shall be deemed or construed to prevent or bar any person or persons from enjoying, having or pursuing, in due course of law, his, her or their own private claim, right, title or possession, of, to or in the said lots, or either of them, or to any part of them, or of either of them.

Passed 29th March, 1787.—Recorded in Law Book, No. III. page 236.

CHAPTER MCCLXXXIV.

An ACT for opening and establishing a road, between the navigable waters of the Frankstown branch of the river Juniata and the river Conemaugh.

[COMMISSIONERS to be appointed to lay out a State Highway between the waters of the Frank's town branch of Juniata, and the river Conemaugh. Report to be made to Council who may approve the same, or order a review thereof: and the said highway, when established, shall be a state highway between said points; and the courses and distances shall be entered in the council books, which entry shall be deemed a record thereof.

The said commissioners having marked out said road, were directed to trace the courses of another road, to begin from the terminating spot of the first mentioned road, and lead along the left shore of the *Conemaugh*, to that point where the river begins to be navigable at all seasons; said road to be hereafter opened as occasion may require, and then deemed also a public highway. Allowance fixed for the commissioners, and the sum of £. 500, appropriated for the purposes of this act.] 1787.

SECT. V. *And be it enacted by the authority aforesaid*, That the Frankstown branch of the Juniata, and the Conemaugh, together with the Kiskiminetas, throughout their whole navigable course, shall be deemed and declared public highways.

Frankstown branch of Juniata, and the Conemaugh, and Kiskiminetas, declared highways.

Passed 29th of March, 1787.—Recorded in Law Book No. III. page 234. (a)

(a) The road was run and marked, day of December, 1787, and entered in and confirmed by Council on the 18th the minutes of Council, vol. 8, pa. 205.

CHAPTER MCCLXXXVI.

An ACT for opening a road between the river Susquehanna, at the Falls of Nescopeck, and the Lehigh, at or near the Union saw-mill. (b)

SECT. I. WHEREAS the opening of a road as aforesaid will tend greatly to populate and improve that part of this state, through and near which it may run, and as the few inhabitants are yet unable to bear the expense thereof :

SECT. II. *Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same*, That the Supreme Executive Council shall, and they are hereby authorized and directed to employ the necessary means for opening the road as aforesaid, from the river Susquehanna, at the falls of Nescopeck, by the river Lehigh, at or near the Union saw-mill: which when opened accordingly, the same shall be registered in the books of the said Council, and be thenceforth deemed a public highway.

The executive to cause the Nescopeck road to be opened; which, when registered shall be deemed a public highway.

SECT. III. *And be it further enacted by the authority aforesaid*, That the Supreme Executive Council may, and they are hereby authorized to expend, in the opening of said road, any sum of the unappropriated public monies, not exceeding one hundred and fifty pounds.

Appropriation of money for that purpose.

Passed 29th March, 1787.—Recorded in Law Book, No. III. page 224.

(b) A further sum was allowed for completing the road mentioned in this act, by an act of the 27th of March, 1789. (*post.* chap. 1407.) [This road was reported and confirmed, June 23d, 1787, and recorded in council books, No. 8, pa. 101.] (*Note to former edition.*)

1807.

Bar.
a public
mon.

Commission-
ers to cause
a survey to
be made of
certain town
lots, in the
township of
Newport.
Patents for
which are to
issue in con-
formity with
said survey.

ing from the land of Jebez Fish, up the said river, one hundred and ninety-two rods, in a line parallel with the front line of the town-lots, be, and the same hereby is granted and set apart as a public common, and to remain as such for ever.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the commissioners shall cause a new survey to be made of the first division of lots in the first tier of land, in the township of Newport, being one of the aforesaid fifteen townships, according to a survey of the same lots, made by William Montgomery, jun. under the authority of the state, in the year one thousand seven hundred and eighty-seven, and the same transmit to the land-office: and the secretary thereof in issuing patents to the Connecticut claimants for such lots, in virtue of any certificates from said commissioners shall issue them in conformity to said new survey; and the said Connecticut claimants shall hold their land accordingly.

Passed 9th April, 1807.—Recorded in Law Book No. XI. page 47.

CHAPTER MMCCCCXLI.

An ACT to authorize the Governor to incorporate a company, for erecting a bridge over the river Susquehanna, at the falls of Nescopeck, in the county of Luzerne.

SECT. 1. [COMMISSIONERS to receive subscriptions. Form of subscription. Notice to be given of the time and place of receiving subscriptions. How long the books are to be kept open, &c. In case of an excess of subscriptions, the shares to be apportioned. Of transferring the books from one place to another. Ten dollars to be paid at the time of subscribing, for each share. 2. Proceedings to obtain letters of incorporation, by the name and style of "The President, Managers and Company, for erecting a Bridge over the river Susquehanna, at the falls of Nescopeck," with the powers incident to a corporation. 3. Notice to be given to the subscribers to meet and organize the company. Officers to be chosen. Number of votes limited. 4. Annual meetings of the stockholders to be on the first Monday in May. 5. Certificates of shares to be issued to subscribers. Which shall be transferable, &c. Of the meetings of the president and managers, and business to be transacted at such meetings. 7. Penalty on stockholders neglecting to pay their proportions of the capital stock. 8. The president, &c. authorized to enter on adjoining lands, to take materials for the bridge. How the damage done thereby to individuals is to be ascertained by freeholders, &c. if the parties cannot agree. 9. The president and managers to keep accounts of all monies received, &c. And submit such accounts annually to the stockholders. And if the capital stock be found insufficient to complete the bridge, the number of shares may be increased. 10. When the bridge is completed, it shall be vested in the company. Tolls that may be demanded, prescribed. Proviso against injuring the navigation of the river. 11. In estimating the toll, two oxen to be rated as one horse. 12. Penalty on exacting more than legal tolls, and appro-

priation thereof, &c. Suits to be brought within thirty days. 13. 1807. The company to keep an account of the tolls received. And make a dividend of the profits. And publish the same half-yearly. 14. When the tolls may be increased; and when reduced. 15. Within what period the bridge is to be begun and completed.]

Passed 9th April, 1807.—Recorded in Law Book No. XI. page 49.

CHAPTER MMDCCCXLII.

An ACT for the regulation of the Militia of the Commonwealth of Pennsylvania.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the territory of this commonwealth be and is hereby divided into division-bounds as follows, *to wit*: The city and county of Philadelphia shall form the first division; the counties of Bucks and Montgomery the second; the counties of Chester and Delaware the third; the county of Lancaster the fourth; the counties of York and Adams the fifth; the counties of Berks and Dauphin the sixth; the counties of Cumberland and Franklin the seventh; the counties of Northampton and Wayne the eighth; the counties of Northumberland and Luzerne the ninth; the counties of Lycoming, Tioga, Potter, Jefferson, M'Kean and Clearfield the tenth; the counties of Mifflin, Huntingdon and Centre the eleventh; the counties of Bedford, Somerset and Cambria the twelfth; the counties of Westmoreland and Fayette the thirteenth; the counties of Washington and Greene the fourteenth; the counties of Allegheny, Armstrong and Indiana the fifteenth; the counties of Beaver, Butler, Mercer, Crawford, Erie, Venango and Warren, the sixteenth division; the city of Philadelphia shall form one brigade, and each division shall be composed of two brigades; and when by increase of population or other causes the number of men in any of the regiments becomes too large, or greatly disproportionate, it shall and may be lawful for the brigadier-general and brigade-inspector with the commanding officers of the regiments in each brigade, or a majority of them, to cause new arrangements to be made in the regiments and battalions, and to equalize the same as nearly as may be, or to form additional regiments or battalions, if in their opinion the same be necessary: *Provided, That* no regiment shall consist of more than one thousand, nor less than five hundred men, and the battalions in the same proportions; and when from the increase of population or other causes the number of men in any of the companies of a regiment shall become greatly disproportionate to the number of men in other companies, the field-officers of such regiment, are hereby authorized to make such arrangements and distributions of the men as in their discretion shall be convenient and proper, in order to equalize the number of men in the several companies, or to form additional companies if in their opinion the same be necessary.

The state divided into division bounds.

The city of Philadelphia to form one, and each division two brigades.

When the regiments and battalions may be equalized.

How many men a regiment may contain.

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Description of the persons to be enrolled in the militia, and by whom.

The party to prove his age and residence where doubts exist.

Each captain to keep a list of all persons enrolled by him, noting thereon the exempts.

Persons neglecting to make their election, shall be placed on the list of exempts; but to have the right to appeal.

Duty of the regimental commander.

Enrolments to be annually delivered to the brigade-inspector on oath or affirmation, who shall transmit, &c.

SECT. II. *And be it further enacted by the authority aforesaid,* That each and every free, able-bodied white male citizen of this or any other of the United States, and every other free able-bodied white male person who has been resident in this commonwealth for six months previous to the time of his enrolment, who is or shall be of the age of eighteen years, and under the age of forty-five years, except as is hereinafter excepted, shall be enrolled in the militia, by the captain or commanding officer of the company within whose bounds such citizen or other person as above described shall reside, and it shall at all times hereafter be the duty of such captain or commanding officer to enrol, or cause to be enrolled, every such citizen or other person resident as aforesaid; and also those who shall from time to time arrive at the age of eighteen years, or being of the age of eighteen years and under the age of forty-five years, or become resident as aforesaid and not excepted by this act, shall come to reside within his bounds, noting as precisely as possible the particular age of such person enrolled; and in all cases of doubt respecting the age or residence of any person enrolled or intended to be enrolled, the party shall prove his age or residence to the satisfaction of the officers of the company within whose bounds he may reside, or a majority of them: And it shall be the duty of each captain or commanding officer of a company to take or cause to be taken an accurate class-list or roll of all the persons subject to militia duty, who shall have been enrolled by him as aforesaid, noting as precisely as possible the age of each person enrolled, and particularly designating all such persons within the bounds of his company and the ward or township in which they reside, subject to militia duty, who shall desire to be considered as exempts, or persons exempted from training in regiments, battalions or companies, as is directed by this act, but not as persons exempted from the tour of duty when the militia of this state, or any detachment thereof shall be called into actual service; but if any person neglects or refuses to make his choice as aforesaid, the said captain shall place the name of such person on the list of exempts. *Provided always,* That exempts shall enjoy the right of appeal, and have such redress as delinquents have in cases of appeal provided for in the seventeenth section of this act: And in all cases where exempts obtain any exoneration as aforesaid, the amount thereof shall be certified under the hand of the president of the court of appeal, which certificate, when presented to the collector of taxes, shall be received by him as payment of such part of the said exempts' fine as shall be therein expressed: and the commanding officer of each regiment, respectively, shall transmit a list of the names of the officers appointed to hear and determine on appeals for the current year to the county commissioners, on or before the first day of August annually; and the said captain or commanding officer shall, under the penalty of fifty dollars for every such neglect or refusal, yearly and every year, on or before the day of regimental review, to be in the month of May, deliver or cause to be delivered, one complete class-list or roll as aforesaid on oath or affirmation to the brigade-inspector; and it shall be the duty of the said brigade inspector, within ten days after he shall have received the said lists or rolls as aforesaid, to deliver or safely to

transmit to the commissioners of the proper county, and within sixty days thereafter, to the state treasurer and register general, to each a true and accurate list of the said exempts as aforesaid, returned to him by the captains or commanding officers of the respective companies, under the penalty of twenty dollars for every neglect or refusal thereof, and shall incur a further fine of twenty dollars for every month's delay after the expiration of the said sixty days, to be recovered by the treasurer of the state for the use of the commonwealth, and thereupon the said county commissioners shall annually fine or charge the persons so returned to them as exempts in their respective duplicates, the sum of four dollars each over and above the amount of their taxes, keeping the amount of the said fines in a separate and distinct column from the county tax; and it shall be the duty of the said commissioners, under the penalty of five hundred dollars each for every neglect or refusal, to be recovered agreeably to the provisions of the thirty-third section of this act, to direct and cause the said exempt fines to be collected annually, at the same time and in the same manner in which the county tax is directed by law to be collected, except as to the discretion of exoneration invested in the commissioners in other cases, and in like manner to be paid and received in the treasury of the county, and the county treasurers respectively, are hereby directed to keep separate and distinct accounts of all the monies so by them received for exempt fines in pursuance of this act, and the said county treasurers respectively shall settle with the register general, and pay yearly to the treasurer of the commonwealth, such fines from exempts as they shall receive by virtue of this act, under the penalty of two hundred dollars for every such neglect; and the said county treasurers, respectively, shall be allowed in the settlement of their accounts with the officers of the department of accounts, five per cent. on all monies so received and by them paid to the state treasurer as aforesaid; and no person who may hereafter be placed on the list of exempts, shall have the right to appeal to nor be exonerated from the payment of the tax or fine imposed on exempts by any court or tribunal whatever, other than the court of appeals of the proper battalion or regiment, within whose bounds such exempt or exempts resides: And it is hereby declared, that the county commissioners shall not have or exercise any power or authority whatever to exonerate, or make any allowance or abatement to any exempt or exempts, excepting only in such case in which a certificate of exoneration shall be produced and delivered to such commissioners by any such exempt, under the signature of the president of the proper court of appeals, and any such certificate so produced and delivered to the commissioners of any county, shall be by them preserved in their proper office, and shall be ready to be produced whenever the same may be required, to ascertain the fact and ground of such exoneration or otherwise: and if any head of a family shall hereafter refuse to give an account to any captain or commanding officer, of any inmate or inmates liable to militia duty when legally called upon, residing, boarding or lodging in such family, or occupying any part of the dwelling-house, or shall wilfully conceal the name or names of any such inmate or inmates, boarder, lodger or

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Proceedings
by the com-
missioners
thereon.

Duties and
compensa-
tion of the
county trea-
surers.

Of the exon-
eration from
payment of
fines impos-
ed on ex-
empts.

Penalty on
house-keep-
ers refusing
to give an ac-
count of,
or conceal-
ing from
commanding
officers, the

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names of inmates or boarders.

Persons under twenty-one years of age not compellable to exercise, &c.

Who shall be exempt from militia duty.

General arrangement of the militia.

Of volunteer companies.

occupier, he or she so offending shall forfeit and pay any sum not exceeding twenty dollars, to be recovered before any justice of the peace, in like manner as debts of the same amount are or may be recoverable by law : *Provided always*, That no person who shall be enrolled as aforesaid, shall be called upon to exercise with the militia in regiments, battalions or companies, as is directed by this act, until he shall arrive at the age of twenty-one years ; but in case of threatened invasion, actual war or rebellion of this or any of the United States, then the persons enrolled who shall be of the age of eighteen years, and all such persons who are described in this act under the denomination of exempts, shall be called upon to perform their respective tours of duty, in like manner and under the same penalties with the other militia of this state.

SECT. III. *And be it further enacted by the authority aforesaid*, That the Vice-President of the United States, officers judicial and executive of the government of the United States, the members of both houses of Congress and their respective officers, all custom-house officers with their clerks, all post-officers and stage-drivers who are employed in the care and conveyance of the mail of the United States, all ferrymen employed at any ferry on the post roads, while they remain such, all inspectors of exports, all pilots, all mariners actually employed in the sea service of any citizens of the United States, ministers of religion of every denomination, professors and teachers in the university, colleges, academies and schools while they are actually employed as such, judges of the supreme court and of the courts of common pleas, menial servants of ambassadors, ministers and consuls from foreign states, sheriffs, gaolers and keepers of work-houses, shall be, and they severally are exempted from militia duty, notwithstanding their being above the age of eighteen years, and under the age of forty-five years.

SECT. IV. *And be it further enacted by the authority aforesaid*, That the militia of this commonwealth shall, within the respective bounds herein mentioned, be arranged into divisions, brigades, regiments, battalions and companies ; that each division shall consist of two brigades, and each brigade so to be formed shall consist of not less than four regiments, each regiment of two battalions, each battalion of four companies, exclusive of a flank company, in such manner that no company shall consist of more than one hundred, nor less than sixty-four privates, or as near as may be, having regard to their local situation ; there may be attached to each battalion one company of grenadiers, light-infantry or riflemen, which company shall be formed within the bounds of the division ; and to each brigade there shall be but one company of artillery, which company shall be furnished with one piece of ordnance at the expense of the state, as soon as they are completely uniformed and equipped, and not more than one troop of horse to a regiment to be formed of volunteers, in their respective brigades, at the discretion of the governor. One-eleventh part of the infantry within the bounds of any company, shall be permitted to join such troop, and not more, without the consent of the captain or commanding officer of such company ; no militia-man, who may join any volunteer company of light-infantry, riflemen, artillery, grenadiers or troop of horse, shall

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Volunteer companies not to be commissioned, unless forty members are in complete uniform.

Uniform of the militia.

Arms and accoutrements of the militia.

have the privilege of leaving the company or troop he so joined, in order to become a member of another company or troop, without the consent of a majority of the officers commanding that company or troop; in which he is enrolled, be first had and obtained; and in cases where any volunteer is desirous to leave the company or troop of which he is a member, he shall make his intentions known to his officers, who shall thereupon take the reasons assigned by such volunteer into consideration; and if the reasons so assigned shall appear satisfactory to a majority of them, the commanding officers of such company or troop shall grant the volunteer so applying, a discharge; and no captain or commanding officer of any volunteer company or troop shall admit any person a member of the company or troop under his command as aforesaid, without the person so applying shews a regular discharge from the company or troop to which he previously belonged; and no volunteer troop of horse or company of grenadiers, artillery, light-infantry or riflemen shall be commissioned, where there are not forty members of such troop or company in complete uniform agreeably to this act; and if any brigade-inspector shall make a return of any troop or company to the governor who is not in uniform as aforesaid, in order that commissions may be granted contrary to the intent and meaning of this act, every inspector so offending shall pay a fine of fifty dollars, to be recovered by the lieutenant-colonel of the regiment in whose bounds such a volunteer troop or company shall be, before any justice of the peace of the proper county, and the fine shall be applied to the use of the regiment.

SECT. V. *And be it further enacted by the authority aforesaid,* That the uniform or military dress of the militia of this state shall be as follows: *to wit,* For the infantry, light-infantry and cavalry, a blue coat faced with red, the lining and buttons thereof white; for the artillery, a blue coat faced and lined with red, with yellow buttons; but the uniform of the general officers and of the officers of the staff, shall be blue faced with buff, the regimental staff excepted, whose uniform shall be that of the regiment to which they belong; and the cockade to be worn by the militia of this state shall be blue and red; and every new regiment that shall hereafter be formed, shall be provided with two colours or standards at the expense of the state, to be made agreeably to the models for colours or standards now deposited in the office of the secretary of the commonwealth.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the commissioned officers of infantry, light-infantry, grenadiers and riflemen shall severally at their own expense, be armed with a sword or hanger; and those of artillery with a sword or hanger, a fusee, bayonet and belt, and cartridge-box, to contain at least twelve cartridges; the commissioned officers of the several troops of horse shall furnish themselves with good horses of at least fourteen hands and a half high, and shall be armed with a sword and pair of pistols, the holsters of which shall be covered with bear-skin caps; each light-horseman or dragoon shall furnish himself with a serviceable horse of at least fourteen hands and an half high,

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How the militia shall be officered.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the militia shall be officered as follows: To each division one major-general, and two aids-de-camp with the rank of a major; to each brigade one brigadier-general, one brigade-major, one quarter-master of brigade and one brigade-inspector, each with the rank of a major; to each regiment one lieutenant-colonel commandant, and to each battalion one major; to each company of infantry, including light-infantry, riflemen and grenadiers, one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer and one fife or bugler. There shall be a regimental staff, to consist of one adjutant and one quarter-master, to rank as lieutenant; one paymaster, one surgeon, one chaplain, one surgeon's-mate, one sergeant-major, one quarter-master-sergeant, one drum-major and fife-major; and there shall be to each company of artillery one captain, two lieutenants, four sergeants, four corporals, six gunners, six bombardiers, one drummer and one fife; and to each troop of horse there shall be one captain, two lieutenants and one cornet, four sergeants, four corporals, one saddler, one farrier and one trumpeter; there shall be one adjutant-general and one quarter-master-general, each with the rank of brigadier-general, appointed for the whole militia of Pennsylvania, and the first sergeant of every company shall act as clerk of the company.

By whom the officers shall be appointed.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the major-generals, adjutant-general and quarter-master-general shall be appointed and commissioned by the governor; the division officers to be residing within their respective divisions; the major-generals shall appoint their own aids-de-camp; the brigadier-generals their brigade majors. The field-officers of each regiment shall appoint their respective regimental staffs; the brigadier-generals and brigade inspectors, lieutenant-colonels, majors, captains, lieutenants, ensigns, sergeants and corporals shall be elected in form and manner hereinafter provided; but no person shall be eligible or hold a commission in the militia, who is not a citizen of this state, or who shall not reside within the brigade, regiment, battalion or company in which he was elected, except the first division, who are hereby authorized to elect their commissioned officers from any part within the bounds of the division; but if any officer removes out of the bounds aforesaid, he shall forfeit his commission. All commissioned officers shall be commissioned during four years, if they shall so long behave themselves well, and shall take rank according to the date of their commissions; and when two or more of the same grade, whose commissions bear an equal date, shall meet on command, then their rank shall be determined by lot, to be drawn by them in the presence of the commanding officer of the detachment;

Who may not hold a commission.

When offices shall be vacated.

Duration of commissions.

and if any commissioned officers shall remove out of the bounds of the brigade, regiment, battalion or company for which he was elected, his office shall thereby forthwith become vacant. 1807.

SECT. IX. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the adjutant-general to distribute all orders from the governor, as commander in chief of the militia of the state, to the brigade-inspectors or the several corps when in actual service; to attend all public reviews when the governor shall review the militia; to obey all orders from him relating to the carrying into execution, and perfecting the system of military discipline established by this act; to furnish each brigade inspector with one set of blank forms of the different returns that may be required, for which he shall be allowed in the settlement of his accounts, with the officers of the department of accounts, and to explain the principles on which such returns should be made; to receive from the several officers of the different corps throughout the state, returns of the militia under their command, reporting the actual situation of their arms, accoutrements and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline; all which the several officers of divisions, brigades, regiments, battalions, troops and companies are hereby required to make, in such manner as the governor shall direct, so that the said adjutant-general may be furnished therewith; from all which returns he shall make a general return of all the militia of the state, and lay the same before the governor, and transmit a duplicate thereof to the President of the United States. The said adjutant-general, before he enters on the exercise of the duties of his office, shall give bond with two or more sufficient sureties, in the penalty of five thousand dollars, conditioned for the due and faithful performance of the said duties, and shall in full compensation for his services, receive a yearly salary of six hundred dollars; and it shall be the duty of the said adjutant-general, his heirs, executors or administrators, under the penalty of one thousand dollars, to deliver to his successor all the books, papers and documents relating to the duties of his office.

Duties of the adjutant-general.

To give bond with sureties.

His salary.

SECT. X. *And be it further enacted by the authority aforesaid,* That it shall be the duty of each brigade-inspector, at least once in every year, to inspect the arms, ammunition and accoutrements of the militia composing his brigade; to execute all orders which he may receive from the adjutant-general or commander in chief, to superintend the elections of field-officers, to furnish all the necessary blank returns, the form of which shall be prescribed by the adjutant-general, to deliver or cause to be delivered yearly and every year, on or before the first day of April, to each captain or commanding officer of a company, three blank inspection-rolls and three blank class-rolls, for which blank rolls he shall be allowed yearly in full compensation therefor ten dollars for each regiment in his brigade; which several rolls the said captain or commanding officer of a company is hereby directed to fill, and shall, under the penalty of twenty dollars, yearly deliver or cause to be delivered, one of each to the commanding officer of the regiment, one of each to the brigade-inspector, and the other he shall keep filed in his own posses-

Duties of the brigade-inspector.

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Notification
of classes
for a tour of
duty.

Call of mili-
tia on a sud-
den exigen-
cy.

Penalty for
not perform-
ing a tour of
duty.

Appeals how
to be heard
and decided.

Qualification
of the assist-
ants.

Their com-
pensation.

List of de-
linquents to
be delivered
to the proper
officers, and
fines how
collected.

sion; and the said inspector, when he has received the said returns, shall, within twenty days under the penalty of twenty dollars, make out therefrom three complete brigade-returns, and deliver one to the adjutant-general, one to the brigadier-general and the other to the major-general of the division, and he shall file in his office all returns received by him and a copy of all returns made to his superior officer; and it shall also be the duty of each brigade-inspector, when any class or classes of the militia are called to perform any tour of duty, immediately to notify every officer whose tour of duty it may be, and shall cause each non-commissioned officer and private so called to be notified by a written or printed notice in the following words; "Take notice, that you are hereby required personally, or by sufficient substitute, to appear at _____ properly armed and equipped for service, at the hour of _____ on the _____ day of _____ to march when required. Appeals to be heard at

on the _____ day of _____
day of _____ A. D.

Given under my hand the
A. B. Captain," by being de-

livered to him personally, or left at his house or usual place of abode at least three days before the time of assembling the said militia, by the commanding officer of each company, or by a sergeant or other fit person under his orders, who shall, if required, prove such notice on oath or affirmation, unless the governor, on a sudden emergency, shall think proper to order any part of the militia into immediate and actual service; in which case, the notice mentioning such special order shall be given for immediate attendance, and any person refusing or neglecting to perform such tour of duty, shall pay a fine of sixteen dollars per month for every such offence; and it shall further be the duty of the brigade-inspector forthwith after the marching of any part of the militia, to call to his assistance two respectable citizens, one of whom shall be a justice of the peace, to sit at the places named in the notices above directed to be served upon every militia man so called out, and shall there hear and determine all appeals that may be made by the persons thinking themselves aggrieved by any thing done in pursuance of such call; and they are hereby authorized and required to grant such relief to such appellant as to them shall appear just and reasonable, and each of the said reputable citizens, before they enter on the said duties, shall take the following oath or affirmation, viz. "That he will hear and impartially determine on the cases of appeal which may be laid before him agreeably to law, and according to the best of his knowledge;" which oath or affirmation the inspector is hereby empowered to administer, and the justice and citizens shall have and receive from the said inspector, the sum of one dollar each for every day they shall sit on the said appeals, and the said inspector and justice of the peace shall each keep a separate record of the proceedings of such court of appeals; and the said inspector shall, within twenty days after such determination of appeals, make out and deliver to the state-treasurer, to the register-general and to the commissioners of the proper county, each, a list of all such delinquents, as well those who have not appealed as those whose appeals shall have been determined against them, with the sums due from each respectively, which sums shall be collected and paid, under the di-

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Salary of the
brigade-inspec-
tor, and
allowance
for contin-
gences.

To give
bond, &c.

To render
his accounts
annually to
the register-
general.

Books and
vouchers to
be delivered
up to the
successor.

No allow-
ance to be
made him for
attendance
at elections,
&c.

Time and
manner of
electing offi-
cers.

Brigadier-
general, bri-
gade-inspec-
tor, lieuten-
ant-colonel.

Person to be
appointed to
conduct elec-
tions.
His compen-
sation
Penalty on
failure to do
his duty.

rection of the said commissioners, in the same manner and under the like penalties as fines from exemptions are directed to be collected in and by the second section of this act; and each inspector shall receive for his services the yearly salary of thirty dollars for each regiment belonging to his brigade, which he shall attend and inspect, and shall receive such reasonable allowance for expenses as he may have incurred, or shall hereafter incur, for providing and repairing drums, fifes, colours, artillery and carriages, as he shall make appear to the officers of the department of accounts to be really necessary; and before he enters upon the duties of his office, he shall give bond with one or more sufficient sureties in the penal sum of two thousand dollars, conditioned for the due and faithful performance of his duties, and for the faithful accounting for and paying over all the monies which shall come to his hands by virtue of this act; and each of the said inspectors shall, once in every twelve months, make out complete accounts of all monies by him received, and of his expenditures, and return the same to the register general, or in default thereof, shall forfeit and pay the sum of two thousand dollars. And on the removal or resignation of any of the said inspectors, such inspector, or in case of his death, his executors or administrators shall deliver up to his successor in office, or some other person duly authorized by the governor to receive the same, all and singular the books, papers and documents belonging to or in use in the said offices, and on refusal thereof, he or they, so offending, shall forfeit the sum of two thousand dollars, to be recovered by action of debt in any court of record within this state; but from and after the passing of this act, no allowance shall be made in the settlement of the accounts of any brigade-inspector for his attendance at the elections, of any field or other officer, nor for pay to clerks or any other person that he may employ to perform any part of his duty.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the elections of such officers as are by this act declared to be elective, shall be made as follows: The several brigade-inspectors shall, between the first day of May and the first day of August, in the year one thousand eight hundred and seven, and every fourth year thereafter, give notice by advertisement at eight or more of the most public places of each regiment or battalion bounds or district, appointing a certain day, which shall be the same day, for each district, not less than ten days after the said notice, and requiring all the enrolled inhabitants (not being exemptions) in the said regiment or battalion, and residing within the bounds thereof, to meet at a certain place as near the centre of the said district as may be, and then and there, between the hours of ten in the morning and five in the afternoon of the said day, to elect by ballot one brigadier-general, one brigade-inspector, and one lieutenant-colonel, and the commanding officer of each regiment is hereby required to appoint one suitable person in each of said districts to conduct said elections, for performing which service, he shall receive one dollar fifty cents per day, to be paid out of the regimental fund; and on failing to attend as aforesaid, he shall forfeit and pay the sum of ten dollars, to be recovered by warrant issued by the commander of the regi-

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- Major.**
- Captain, lieutenant, ensign, &c.**
- Judges and clerks of election to be chosen.**
- Duty of superintendant of elections.**
- Duty of the brigade-inspector.**
- Of the majors.**
- Light-horse and artillery elections.**
- How vacancies are to be supplied by election.**
- How resignations are to be made.**
- In case of neglect or refusal to elect, vacancies to be supplied upon nomination.**

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general or brigade-inspector, two suitable persons for each office, one of whom shall be commissioned by the governor, which shall be as effectual to all intents and purposes as if they had been elected as before directed. And further, it shall and may be lawful for the brigade-inspector to whom such regiment belongs, to nominate, if the said election was to have been held for a field-officer or officers, with the approbation of the brigadier-general, and if for a commissioned company officer or officers, with the approbation of the field-officers of the regiment, one suitable person to the governor, in the room of each officer so neglected to be chosen, who shall be commissioned by the governor, which shall be as effectual to all intents and purposes as if the said officer had been elected as before directed ; generals of divisions or brigade-inspectors, as the case may require, shall as soon as may be, acquaint the parties so neglecting or refusing the appointment that shall have been made as aforesaid, and if no person can be found in the company who shall be willing to serve as an officer of said company, then in such case the brigade-inspector is hereby authorized to appoint a person and pay him one dollar per day for his service, which money so paid shall be allowed such inspector, on settlement of his accounts with the accounting officers, and the persons so appointed shall make a return of such company as exempts on oath or affirmation to the inspector, under the penalty of twenty dollars, which return so made shall be as valid to all intents and purposes as if made by a proper commissioned officer of said company, but no change shall take place other than that provided for in the first section of this act, so that an entire and general election and appointment of all the officers of all and every of the divisions, brigades and regiments throughout the commonwealth shall take place according to the directions and intent of this act, between the months of May and August in the year one thousand eight hundred and seven, any commission or commissions granted by the governor notwithstanding ; but at least two months before such general elections shall take place, the general officers of each division shall equalize the brigades, and the brigadier-general, brigade inspector and field-officers shall equalize the regiments in the respective brigades ; and the field-officers shall also equalize the companies in their regiments respectively, so that no regiment shall consist of more than one thousand nor less than five hundred men, and no company of more than one hundred nor less than sixty-four privates, and immediately after such general election of the militia officers shall take place, the rank of lieutenant-colonels shall be determined by lot to be drawn in the presence of the brigadier-general ; and the rank of the majors and captains in the several regiments to be determined in like manner by lot to be drawn in the presence of the lieutenant-colonel or commanding officer of the regiment ; and all the brigade-inspectors now in office shall continue until their successors are duly elected and commissioned agreeably to this act, and the commissions of all officers who, agreeably to the provisions of this act, shall be elected or appointed for or within the first period of four years, appointed for the continuance of office, shall bear date the third day of August one thousand eight hundred and seven, and in every subsequent period of four years, the commissions of

To be commissioned by the governor.

But if no person is found willing to accept, the brigade-inspector to appoint, &c.

Compensation of the person appointed.

No change to take place other than that provided for in the first section.

An entire and general election and appointment of all officers to take place between May and August, 1807.

Brigades, regiments and companies to be equalized.

Date of commissions for the first period.

And any subsequent period.

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Mode of proceeding by the major-general where the election of an officer is contested.

Also by the brigade-inspector.

And by the commanding officer and other field-officers of a regiment.

The regiments numbered.

SECT. XII. *And be it further enacted by the authority aforesaid,* That if the election of a brigadier-general or brigade-inspector shall be contested, the major-general shall, on application to him made by petition signed by at least eighty of the enrolled militia of the brigade, shall give ten days notice, that he, together with four field-officers to be by him appointed for that purpose, will on a certain day hear the allegations and proofs of the parties, and thereupon shall either confirm the election and certify the same to the governor, or order a new election as justice may require; and if the election of a field-officer shall be contested, the brigade-inspector shall, on application to him made by petition signed by at least sixty-four of the enrolled militia of the regiment, give notice in writing to the brigadier-general and to two of the lieutenant-colonels of the brigade wherein such contest shall arise, who or any two of them shall meet at some certain time and place within the regiment bounds, of which ten days previous notice shall be given by the brigade-inspector, by three advertisements to be put up at some of the public places within the bounds aforesaid; and it shall be the duty of those the said officers so met, to hear the allegations and proofs of the parties, and thereupon shall either confirm the election and certify the same to the governor, or order a new election, as justice may require; and if the election of a company officer shall be contested, a petition signed by at least twenty of the enrolled militia of the company wherein such contest shall happen, may be presented to the commanding officer of the regiment, who, together with the other field-officers of the regiment, shall hear and determine the matter in controversy, they or one of them having first given the like notice by advertisement of the time and place of meeting, as is required in the case of a contest respecting the election of a field-officer.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the regiments shall be numbered and called as follow, *to wit:* In the city of Philadelphia the regiment commanded by lieutenant-colonel Pancake, shall be number twenty-four; by lieutenant-colonel Duane, number twenty-five; by lieutenant-colonel Bright, number twenty-eight; by lieutenant-colonel Simonds, number fifty; by lieutenant-colonel Ferguson, number eighty-four: In the county of Philadelphia the regiment commanded by lieutenant-colonel Krips, number forty-two; by lieutenant-colonel M'Mullen, number sixty-seven; by lieutenant-colonel Beck, number seventy-five; by lieutenant-colonel Sullivan, number eighty; by lieutenant-colonel Kessler, number eighty-eight; by lieutenant-colonel Morton, number one hundred and forty: In the county of Montgomery, the regiment commanded by lieutenant-colonel Henderson, number thirty-six; by lieutenant-colonel Wentz, number fifty-one; by lieutenant-colonel Snyder, number fifty-six; by lieutenant-colonel Davis, number eighty-six: In the county of Bucks, the regiment commanded by lieutenant-colonel Smith, number fifteen; by lieutenant-colonel Piper, number thirty-one; by lieutenant-colonel Clunn, number thirty-two; and by lieutenant-colonel Vansant, num-

ber forty-eight : In the counties of Chester and Delaware, the regiment commanded by lieutenant-colonel Greer, number twenty-seven ; by lieutenant-colonel Armstrong, number forty-seven ; by lieutenant-colonel Pierce, number eighty-five ; by lieutenant-colonel Cochran, number ninety-seven ; by lieutenant-colonel Davis, number forty-four ; by lieutenant-colonel Pearson, number sixty-five ; by lieutenant-colonel Ralston, number ninety-two ; and by lieutenant-colonel Richards, number one hundred. In the county of Lancaster, the regiment commanded by lieutenant-colonel Wright, number five ; by lieutenant-colonel Ensminger, number seven ; by lieutenant-colonel Ream, number one hundred and twenty ; by lieutenant-colonel Thomas, number one hundred and twenty-one ; by lieutenant-colonel Strickler, number thirty-four ; by lieutenant-colonel Boyd, number ninety-eight ; by lieutenant-colonel Boal, number sixty ; and by lieutenant-colonel Long, number one hundred and four : In the counties of York and Adams, the regiment commanded by lieutenant-colonel Kelly, number forty-one ; by lieutenant-colonel Reisinger, number sixty-one ; by lieutenant-colonel Lawson, number one hundred and eleven ; by lieutenant-colonel Pennington, number one hundred and thirteen ; by lieutenant-colonel Himes, number one hundred and twenty-four : In the county of Adams, the regiment commanded by lieutenant-colonel Horner, number nine ; by lieutenant-colonel Kerr, number twenty ; by lieutenant-colonel Black, number forty ; and by lieutenant-colonel Brown, number ninety-three : In the county of Berks, the regiment commanded by lieutenant-colonel Baum, number thirty-seven ; by lieutenant-colonel Shoemaker, number forty-three ; by lieutenant-colonel Schrader, number sixty-nine ; by lieutenant-colonel Eppler, number seventy-nine ; and by lieutenant-colonel Kline, number one hundred and fourteen : In the county of Dauphin, the regiment commanded by lieutenant-colonel Bowman, number three ; by lieutenant-colonel Wayne, number sixty-six ; by lieutenant-colonel Wolferberger, number seventy-eight ; by lieutenant-colonel Davenport, number ninety-five ; and by lieutenant-colonel Seebolt, number one hundred and seventeen : In the county of Cumberland, the regiment commanded by lieutenant-colonel Bovard, number twelve ; by lieutenant-colonel Ewalt, number twenty-one ; by lieutenant-colonel Urie, number forty-nine ; by lieutenant-colonel M^cBeath, number fifty-nine ; by lieutenant-colonel Martin, number eighty-seven ; and by lieutenant-colonel Rupley, number one hundred and sixteen : In the county of Franklin, the regiment commanded by lieutenant-colonel Findley, number one ; by lieutenant-colonel Alexander, number sixty-four ; by lieutenant-colonel Beatty, number sixty-eight ; by lieutenant-colonel Snider, number seventy-three ; and by lieutenant-colonel Scott, number ninety-six : In the counties of Northampton and Wayne, the regiment commanded by lieutenant-colonel Wetzel, number thirteen ; by lieutenant-colonel Miller, number thirty-eight ; by lieutenant-colonel Keiper, number ninety-four ; by lieutenant-colonel Kestler, number one hundred and one ; by lieutenant-colonel M^cKeen, number one hundred and eighteen ; by lieutenant-colonel Jacoby, number eight ; by lieutenant-colonel Horn, number seventy-one ; by lieutenant-colonel Tan-

1807. ner, number one hundred and ten ; by lieutenant-colonel Dingman, number one hundred and three ; and by lieutenant-colonel Schnyder, number one hundred and fifteen : In the counties of Northumberland and Luzerne, the regiment commanded by lieutenant-colonel Inman, number thirty-five ; by lieutenant-colonel Montgomery, number eighty-one ; by lieutenant-colonel Rupert, number one hundred and twelve ; by lieutenant-colonel Giffin, number one hundred and twenty-three ; by lieutenant-colonel Stevens, number one hundred and twenty-nine ; by lieutenant-colonel M'Kenny, number eighteen ; by lieutenant-colonel Baldy, number thirty-nine ; by lieutenant-colonel Drum, number seventy-seven ; by lieutenant-colonel Moor, number one hundred and six ; by lieutenant-colonel Denniston, number forty-five : In the counties of Lycoming, Tioga, Potter, Jefferson, M'Kean and Clearfield, the regiment commanded by lieutenant-colonel Cummings, number four ; by lieutenant-colonel Quigle, number one hundred and two ; by lieutenant-colonel Spalding, number fifty-seven : In the counties of Huntingdon, Mifflin and Centre, the regiment commanded by lieutenant-colonel M'Dowel, number eleven ; by lieutenant-colonel Beale, number fifty-two ; by lieutenant-colonel Bratton, number seventy-four ; by lieutenant-colonel Banks, number eighty-three ; by lieutenant-colonel Benner, number eighty-nine ; by lieutenant-colonel Myers, number one hundred and thirty-one ; by lieutenant-colonel Moore, number fourteen ; by lieutenant-colonel Henderson, number thirty-three ; by lieutenant-colonel Cromwell, number forty-six ; by lieutenant-colonel Kellup, number fifty-eight ; by lieutenant-colonel Entricken, number one hundred and nineteen : In the counties of Somerset, Bedford and Cambria, the regiment commanded by lieutenant-colonel Jones, number ten ; by lieutenant-colonel Kimmel, number one hundred and nine ; by lieutenant-colonel Boyls, number one hundred and twenty-eight ; by lieutenant-colonel Moore, number one hundred and twenty-seven ; by lieutenant-colonel Reynolds, number one hundred and five ; by lieutenant-colonel Agnew, number fifty-five : In the county of Fayette, the regiment commanded by lieutenant-colonel Collins, number seventy-two ; by lieutenant-colonel Oliphant, number ninety ; by lieutenant-colonel Brasher, number ninety-one ; by lieutenant-colonel Whaley, number one hundred and eight : In the counties of Washington and Greene, the regiment commanded by lieutenant-colonel Achison, number twenty-two ; by lieutenant-colonel Donaldson, number twenty-three ; by lieutenant-colonel Mitchell, number fifty-three ; by lieutenant-colonel Stephenson, number eighty-two ; by lieutenant-colonel Clark, number six ; by lieutenant-colonel Jenkins, number ninety-nine ; by lieutenant-colonel Huston, number one hundred and twenty-two ; by lieutenant-colonel Cather, number one hundred thirty : In the county of Westmoreland, the regiment commanded by lieutenant-colonel Bonnet, number two ; by lieutenant-colonel Wagle, number nineteen ; by lieutenant-colonel Campbell, number fifty-four ; by lieutenant-colonel M'Dowell, number sixty-three ; by lieutenant-colonel Hunter, number seventy : In the counties of Allegheny, Armstrong and Indiana, the regiment commanded by lieutenant-colonel Baird, number one hundred and

forty-one; by lieutenant-colonel Baldwin, number seventy-six; by lieutenant-colonel Free, number sixteen; by lieutenant-colonel Cunningham, number sixty-two; by lieutenant-colonel M'Comb, number thirty; by lieutenant-colonel Mounts, number one hundred and twenty-six; by lieutenant-colonel Elrod, number one hundred and twenty-five: In the counties of Beaver, Butler, Mercer, Crawford, Erie, Venango and Warren, the regiment commanded by lieutenant-colonel Sproat, number twenty-six; by lieutenant-colonel Laurens, number one hundred and thirty-nine; by lieutenant-colonel Reed, number one hundred and seven; by lieutenant-colonel Hackney, number one hundred and thirty-seven; by lieutenant-colonel Marvin, number one hundred and thirty-six; by lieutenant-colonel Huston, number one hundred and thirty-five; by lieutenant-colonel Stockely, number one hundred and thirty-four; by lieutenant-colonel Stockton, number one hundred and thirty-three; by lieutenant-colonel Forster, number seventeen; by lieutenant-colonel Dale, number one hundred and thirty-two; by lieutenant-colonel Gilliland, number twenty-nine; by lieutenant-colonel Carothers, number one hundred and thirty-eight. And all the regiments hereafter to be formed, shall follow those in numerical order; but nothing contained in this section shall be construed as giving preference of rank to the officers which shall at all times be determined by lot.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That every militia-man, moving out of the bounds of one company into the bounds of another, shall apply to the commanding officer of the company to which he did belong, who shall give him a discharge in writing certifying the class to which he belongs, and whether he has served his tour of duty or not, and the time and date of his service, which certificate he shall produce to the captain or commanding officer of the company in whose bounds he next settles, within twenty days after his settlement, under the penalty of three dollars; and the said captain or commanding officer is hereby required to enrol him in the class specified in the said certificate.

Proceedings
on the removal of any
militia-man
from his district.

SECT. XV. *And be it further enacted by the authority aforesaid,* That the whole of the militia of this state, (except as herein excepted) shall be trained and exercised in companies, troops, battalions and regiments by their respective officers as follows: *viz.* in companies, on the first Monday in the month of May, and the first Monday in the month of October, and the regimental training in each and every brigade, shall commence on the second Monday in the month of May, and continue from day to day in such order as the brigade-inspector shall direct on every day of the week (Saturday and Sunday excepted) until the whole number of regiments shall have trained and exercised in the aforesaid manner, of which one month's previous notice shall be given by the brigade-inspectors respectively, and at such places as the field officers or a majority of them shall direct, and in the autumn or fall season, each and every first battalion of the respective regiments, shall meet in battalion on the third Monday in the month of October, and every second on the Tuesday following at such places as the field-officers or a majority of them shall agree upon; and no militia-man shall be admitted into the ranks of any company without a sufficient musket or firelock,

Manner and
times of
training and
exercising
the militia.

Notice to be
given.

No militia
man to ap-

1807. except those between the ages of eighteen and twenty-one years, and such others as the officers of the company shall deem unable to procure arms at their own expense; such person or persons not excepted as last mentioned, shall be liable as for non-attendance on days of training; and if any militia-man, who shall not be admitted into the ranks without arms as aforesaid, shall be fined on any day of training on account of not having arms, and shall conceive himself aggrieved, he may appeal to the field-officers of the regiment to which he belongs, who shall consider his circumstance, and grant him such relief as to them or a majority of them shall appear just and reasonable. *Provided*, That the arms and accoutrements of the militia shall be exempted from all suits, distresses, executions or sales for debt or the payment of taxes.

Year without arms except, &c.

Persons feeling themselves aggrieved may appeal.

Fines for not attending on days of exercise.

And for leaving the parade without leave.

Masters, &c. to pay fines incurred by minors.

The roll to be called on muster days, and absentees to be noted and returned to the commanding officer of each company.

Officers to be appointed

SECT. XVI. *And be it further enacted by the authority aforesaid*, That if any commissioned or staff-officer, or private, shall without a lawful excuse, neglect or refuse to attend on any of the days herein appointed for training, such delinquent officer or private shall be returned to the proper court of appeal by the commanding officer present; if a field-officer, he shall forfeit and pay the sum of four dollars; and every other commissioned and staff-officer shall forfeit and pay the sum of two dollars; and every non-commissioned officer or private so neglecting or refusing to attend, shall forfeit and pay the sum of one dollar for every such neglect or refusal, except such officer, non-commissioned officer or private, shall be summoned and actually attending on any of the days of training, as a juror or witness in any court within this commonwealth; and the same fines shall be respectively paid by every officer or private who shall leave the parade on any day of training, before the regiment, battalion or company is discharged, without leave first had of the commanding officer; and the master or mistress of any apprentice, and the father or mother of any minor liable to serve in the militia, who shall neglect to perform the several duties required of him by this act, such minor being in the service of his father or mother, master or mistress, shall be respectively accountable for the fines so incurred by such minor or apprentice.

SECT. XVII. *And be it further enacted by the authority aforesaid*, That in order to ascertain those persons, who, by their absence on days of training, shall have incurred the fines before-mentioned, a sergeant or clerk of each company, on every such day in the presence of the captain or commanding officer of the company, at the end of one hour after the time appointed for the meeting of the company, battalion or regiment, and also after the exercise is over and before the company is dismissed, shall call over the muster roll, noting those who are absent; and within four days after every company or regimental meeting, he shall make a true return of those that were absent at either of the roll-calls aforesaid, under oath or affirmation to the captain or commanding officer of each company, under the penalty of ten dollars for every time he shall neglect or refuse the same, and particularly designating the day on which default was made; and it shall be the duty of the commanding officer of each regiment, annually, in regimental orders to be issued previous to the days appointed by this act for training the militia, to appoint six

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to hear appeals,
Who shall be under oath, and their powers defined.

commissioned officers, three to preside in each battalion for the current year, as a court to hear appeals, who, when sitting as such court, shall be under oath or affirmation to perform their duties with fidelity and impartiality; and said court shall, in not less than ten, nor more than fifteen days after the meeting of the regiment in May, and the battalions in October, annually, hear and determine on the appeal of every person conceiving himself aggrieved and applying to be heard; and if it shall appear to the satisfaction of the court of his proper battalion, after having examined him on oath or affirmation, that by lameness or sickness, or any unavoidable necessity his attendance was rendered impracticable on the day or days for which he may stand charged, the said court shall remit the fine or fines incurred for the reasons aforesaid only; but no excuse shall be received, nor redress given by them at any other time, or in any other manner than is before mentioned; and each and every field and commissioned officer of the militia is hereby authorized and empowered to administer the oath or affirmation required to be taken by the officers holding courts-martial or courts of appeal, or any other duty to be performed in pursuance of the militia law, to which an oath is required.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That no certiorari or other writ shall in any case issue from any court of law of this commonwealth, to remove any proceedings that shall be had in any court of appeal or court martial held under and by virtue of this act, and that no court of law of the said commonwealth, nor any justice of the peace or alderman shall, in any case hear and determine, or in any manner take cognizance of appeals that may be offered or attempted from any sentence or decree passed or made by such courts of appeal or court martial, any law, usage or practice, or any construction of any clause in this act to the contrary in any wise notwithstanding.

Proceedings before courts of appeal and courts-martial not removable by certiorari.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commanding officer of each company, under the penalty of forty dollars, to transmit under oath or affirmation, a list of the names of all the absentees, and the fines charged for non-attendance on days of training, and also the names of the exempts to the officers holding the appeals; and the said courts of appeal are hereby enjoined and required under the penalty of forty dollars each, to make return of all delinquents whose fines shall not be remitted, to the commanding officer of the company, and also transmit a general return to the commanding officer of the regiment, and one copy to the pay-master thereof; and each captain or commanding officer of a company shall receive one dollar per day, for making the several returns required of him by this act, and shall attend at the court of appeal and receive the return of the delinquents, whose fines shall not be remitted, and shall within twenty days certify to the pay-master, the name of the constable to whom he delivered the warrant; and officers holding appeals and regimental courts-martial, shall receive each one dollar per day, to be paid by the pay-master of the regiment in which such duty is performed, on orders drawn by the lieutenant-colonel or commanding officer thereof; and each pay-master shall have a book for keeping the accounts

Commanding officers of companies to return the names of absentees and list of fines charged.

And courts of appeal to return delinquents, &c.

Compensation to the captain, &c. for making returns, &c.
Compensation to officers holding appeals, and regimental courts-martial.

Pay-master to have a book for

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keeping ac-
counts his
allowance
for services.

Allow-ance
to officers
holding gen-
eral or bri-
gade courts-
martial.

Bond to be
given by the
pay-master.

How fines
shall be re-
covered.

To whom
payable and
within what
time, and
penalty for
neglect.

Certain fines
excepted.

to be paid for out of the regimental fund, and shall for performing the several duties required of him by this act, receive five per centum on all monies that come into his hands; and officers holding general or brigade courts-martial, shall be paid each one dollar per day by the inspector of the brigade in which such court-martial is held, on orders signed by the president of the court-martial, to be allowed to such brigade-inspector on the settlement of his accounts; and every paymaster, before he enters upon the duties assigned him by this act, shall give bond to the commanding officer of the regiment, with one or more sufficient sureties in the penalty of two hundred dollars, and conditioned for the performance of his duties.

SECT. XX. *And be it further enacted by the authority aforesaid,* That for the purpose of levying and collecting as well the fines that shall be incurred for non-attendance on days of training, as those which shall be imposed by courts-martial; the president of the court-martial, if the fine was imposed by a court-martial, and the commanding officer of the company, if the fine was incurred for non-attendance on any day or days of training, within ten days after the passing of the sentence or decree of the court-martial or court of appeal, shall be obliged, and under the penalty of fifty dollars for every neglect or refusal therein: and he is hereby enjoined to issue a warrant under his hand and seal, directed to some constable, or fit person, who shall thereby be authorized to act as a constable, commanding him to levy and collect the said fine or fines; and the said constable, or other fit person so appointed to collect, shall be authorized, and he is hereby required under the penalty of thirty dollars, to call on every delinquent who shall be named in such warrant or schedule, or list thereto annexed, and demand payment of the said fine or fines, and on neglect or refusal to make such payment, after demand so as aforesaid made, then the said constable having the said warrant, is hereby required to proceed to collect the said fines, together with costs, in the same manner, and with like power and effect as constables are required to proceed with executions issued by virtue of an act, entitled "An act for the recovery of debts and demands not exceeding one hundred dollars, before a justice of the peace, and for the election of constables, and for other purposes," passed the twenty-eighth day of March, one thousand eight hundred and four; but if any such constable, or other fit person, for the space of thirty days after the receipt of such warrant, endorsed with the time of delivering the same by the president of the court-martial or the commanding officer of the company, as the case may be, shall neglect or refuse to pay unto the pay-master of the regiment, or other person by this act entitled to receive the same, the whole amount of the fines in the said schedule or list contained, such constable or other fit person, for every such neglect or refusal, shall forfeit and pay to the said pay-master, for the use of the regiment, double the amount of all the fines marked on the said schedule or list, which shall not within the said thirty days, have been paid over to the proper pay-master, and to be recovered by the pay-master in the same manner as debts of the same amount are by law recoverable, excepting only therefrom such fines as the field-officers of the regiment or a majority of them, who are hereby constituted a

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board for the purpose, and who when sitting as such, shall be under oath or affirmation, shall annually, on the second Monday of December, adjudge it to have been impracticable or improper for the said constable or other fit person, to collect and obtain; and the said field-officers or a majority of them shall have power to meet on their own adjournments, to perform the duties required of them; and it shall be the duty of the said pay-master of the regiment, on the second Monday of December annually, to make out a fair and clear statement of his accounts, and lay the same before the field-officers and any two of the captains of the regiment, who shall examine it; and having certified the balance as it shall appear to them on the said statement, one copy thereof shall remain with the pay-master, and another to be lodged with the colonel or commanding officer of the regiment; but if any pay-master shall neglect or refuse to make a statement of his accounts and compel the collection of the fines in manner aforesaid, or when duly required shall neglect or refuse to surrender all the papers, books and accounts belonging to his office to his successor in office, he shall, for every such neglect or refusal, of which a regimental court-martial shall judge, such pay-master or his executors, administrators or others possessing such books, papers or accounts, forfeit and pay for the use of the regiment, the sum of one hundred dollars to be recovered by the quarter-master of the regiment in the same manner as is provided by the forty-second section of this act, for the collection of fines imposed on other officers; and in all cases arising by virtue of this act, where any delinquent shall neglect or refuse to pay the fine or penalty incurred by him, and no property can be found to satisfy and discharge the same, the constable or other fit person shall take the body of such delinquent and commit him to the common gaol of the proper county, until he shall pay the same, or be discharged by due course of law; and such constable or other fit person, or constables, shall be entitled to have and receive ten per centum for all monies by him or them collected and paid over out of the regimental funds.

Pay-master to make annual exhibit of his accounts.

Penalty for neglecting to make such exhibit or deliver over the documents in his office to his successor.

And upon neglect or refusal to pay the penalty incurred to be committed to the common gaol, &c. Allowance to the constable, &c.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That all fines and forfeitures incurred by officers under this act, for the neglect of duty, where the mode of recovery and the appropriation is not provided for, the same shall be recovered by the commanding officers of the regiment before any justice of the peace, in the same manner as debts of the same amount are by law recoverable, and to be paid into the regimental treasury.

Certain fines and forfeitures to be recovered before a justice of the peace, &c.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That the paymaster of the regiment shall hold the monies paid over to him according to the directions of this act, subject to the drafts of the colonel or commanding officer of the regiment, to be drawn in the order, and for the purposes herein mentioned, *to wit:* To pay drummers, fifers, trumpeters and buglers, to pay for the repairs of drums, arms, and for the different duties other than those of company and field days, which by this act are imposed upon officers and others, and for which no provision is made, and to defray all such other expenses as a majority of the field officers of each regiment may adjudge to be necessary and useful for the regiment, for

Appropriation of the fines.

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promoting military purposes and discipline, and effectuating the ends and purposes of this act.

Form of the warrant to be issued for collecting fines.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That the form of the warrant to be issued by the captain or commanding officer of each company for the collection of fines for non-attendance on days of training, may be as follows: "The commonwealth of Pennsylvania to A. B. greeting: Whereas the persons named in the schedule or list hereto annexed, have by the court of appeals of their proper battalion, been duly sentenced to pay the fines to their names respectively subjoined; this warrant therefore authorizes and requires you to demand and receive of all and each of the persons named in the said schedule, the amount of fines to their names respectively annexed, and in case of the refusal of all or any of them to pay the same, then to levy the said debt and costs of the goods and chattels of all or any of the delinquents named in your schedule or list annexed, by distress and sale thereof, returning the overplus, if any, to the owner or owners respectively; but for want of such effects, then to take the body or bodies of such persons named in the said list respectively, to the gaol of the county where the delinquents reside, there to be detained until the fine and costs shall be paid or satisfied, or he or they shall be otherwise legally discharged. Witness my hand and seal, the day of one thousand eight hundred and

To Collector. C. D. Captain." (L. s.) And the form of the warrant to be issued by the president of the court martial, may be as follows: The commonwealth of Pennsylvania, to A. B. greeting: Whereas C. D. hath been duly sentenced to pay a fine in the sum of (for disobedience of orders, neglect of duty, &c. as the case may be) this warrant therefore authorizes and requires you to levy the said debt and costs of the goods and chattels of the said by distress and sale thereof, returning the overplus, if any, to the said but for want of such effects, then to take the body of the said and convey him to the gaol of the county where the offender resides, there to be detained until the debt and costs aforesaid shall be paid or satisfied, or he shall be otherwise legally discharged. Given under the hand and seal of the president of our said court, the day of one thousand eight hundred and

C. D. President. (L. s.)

To Collector."

The militia may be called into actual service on any emergency.

SECT. XXIV. *And be it further enacted by the authority aforesaid,* That whenever it may be necessary to call into actual service any part of the militia, in case of rebellion or of an actual or threatened invasion of this or any of the neighbouring states, then it shall and may be lawful for the governor to order into actual service, such part of the militia, by classes, as the exigency may require: *Provided*, That the part so called, doth not exceed four classes of the militia of any brigade. *And provided also*, That such brigade or brigades shall not be again called into actual service until an equal number of the classes of the militia of the other brigades respectively be first called, unless the danger of an invasion should make it necessary to keep in reserve the militia of such brigade or brigades

for immediate defence; and the companies in each regiment or battalion of the state, shall, within one year after the passing of this act, be divided into eight classes (where the same is not already done,) all flank companies, whether of grenadiers, light-infantry or riflemen, shall be called into service by companies or parts of companies, and not by classes; the first flank company making part of the first call, and the second flank company shall make part of the fifth call of the militia, and be commanded by their own proper officers; and every flank company formed in future shall be formed under the direction and approbation of the field officers of the regiment, to consist of not less than sixty-four privates, and composed of men actually resident within the bounds of the regiment to which they are to be attached, and not otherwise.

The companies of each regiment or battalion to be divided into classes.

SECT. XXV. *And be it further enacted by the authority aforesaid,* That the militia, when called by classes to perform a tour of duty shall be officered in the following manner, *that is to say,* For the first draft, the captain of the first company, the lieutenant of the second, and ensign of the fourth; second draft, the captain of the second company, the lieutenant of the first and ensign of the third; third draft, the captain of the third company, the lieutenant of the fourth, and ensign of the second; fourth draft, the captain of the fourth company, lieutenant of the third, and ensign of the first; the fifth draft, the fifth captain, lieutenant of the sixth, and ensign of the eighth; the sixth draft, the sixth captain, the lieutenant of the fifth, and ensign of the seventh; the seventh draft, the captain of the seventh company, the lieutenant of the eighth, and ensign of the sixth; eighth draft, the captain of the eighth, the lieutenant of the seventh, and ensign of the fifth. Non-commissioned officers to take their tour of duty with the commissioned officers, and the routine of the field officers shall be according to the date of their respective commissions; the first colonel of the brigade shall command the first detachment, if it amount to a colonel's command; but if he does not, the command shall devolve on the first major; and each draft shall be liable to serve two months, and no longer, and to be relieved by the class next in numerical order, the relief to arrive at the place of destination at least two days before the expiration of the term of the class to be relieved; but nothing herein contained shall prevent the governor from employing and calling out part of any class, or any company or companies, regiment or regiments, without respect to this rule, whenever any exigency is too sudden to admit of the assembling of the militia in the ordinary way; and the service of the person or persons so called out, shall be accounted as part of his or their tour of duty; and the pay of the militia in actual service shall commence two days before marching, and they shall receive pay and rations at the rate of fifteen miles per day on their return home.

How the militia shall be officered when called into service by classes.

The foregoing plan may be dispensed with when the exigency of the case requires it.

When the pay and rations of the militia shall commence and end.

SECT. XXVI. *And be it further enacted by the authority aforesaid,* That when any detachment of the militia shall be called into service, the captain of each company shall take care that his proportion of men are assembled and marched to the proper place of parade, under the care of a commissioned officer or sergeant, with a list of the men, which list shall be delivered to the adjutant of the regiment;

When a detachment of militia is called into service, each company to be marched to the proper place of parade, and a

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List of the men to be delivered to the adjutant of the regiment.

His duty.

Duty of the brigade-inspector.

Of the commanding officer of the detachment.

The governor empowered, on a call of the militia into actual service, to organize the cavalry, &c.

Of the appointment of the officers.

Substitutes allowed.

Proviso if the substitute's turn should happen while he is out.

whose duty it shall be to attend at the place appointed, to receive detachments from the several companies of his regiment, and he shall make out a roll mentioning the rank of the officers, and names of the non-commissioned officers and privates; and when the detachment shall be completed and placed under the command of the proper officer, he shall attend them to the place appointed for the meeting of the detachment of the brigade, where the several adjutants shall each deliver a list of the detachment from his regiment to the brigade-inspector; whose duty it shall be to attend at the place appointed for assembling the detachment from his brigade, and to furnish a complete list thereof to the commanding officer of the detachment, noting particularly in detail the officers, non-commissioned officers and privates, from the respective regiments within his brigade; and it shall further be the duty of the brigade-inspector, to march with such detachment to the place of general rendezvous appointed for the whole of the militia called out, and there deliver to the commanding officer a duplicate of the list aforesaid; and it shall be the duty of such commanding officer to make a general return, noting particularly the detail from each brigade, certified under his hand, and shall cause the same to be delivered to the adjutant-general within ten days after the marching of his detachment under the penalty of one hundred dollars.

SECT. XXVII. *And be it further enacted by the authority aforesaid,* That whenever the militia are called into actual service of this state or of the United States, it shall and may be lawful for the governor, if he may deem it expedient, to organize the cavalry into brigades, regiments, squadrons and troops, so that each brigade shall consist of four regiments, each regiment of two squadrons, each squadron of four troops, in such manner that no troop shall consist of more than one hundred, nor less than sixty-four non-commissioned officers and privates, to be officered as follows: To each brigade one brigadier-general and one brigade-major, with the rank of major; to each regiment one lieutenant-colonel-commandant and two majors, first and second; to each squadron one major; to each troop one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, and one trumpeter: The general officers shall be appointed by the governor, and the elections for field-officers shall be held at the place of general rendezvous appointed after such call, and conducted as nearly as may be according to the directions prescribed by this act for the elections of other field-officers, the brigadier-generals shall appoint their brigade-majors, and the field-officers of each regiment shall appoint their respective regimental-staffs.

SECT. XXVIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person called to perform a tour of duty to find a sufficient substitute, such substitute being approved of by the captain or commanding officer of the company in which he shall have offered to serve: *Provided always,* That if any substitute shall be called in his own turn into actual service before the term expires which he was to serve for his employer, then the person procuring such substitute shall march, or find a sufficient person to march in his said substitute's turn, or be liable to pay his

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fine for neglect; which fine is to be recovered as other fines for neglect of serving, are by this act recoverable; and that sons, who are not subject to the militia law, may be admitted as substitutes for their fathers, if approved of by the commanding officer of the company in which they shall be offered to serve.

SECT. XXIX. *And be it further enacted by the authority aforesaid,* That when the militia or any detachment thereof are called out on duty, they shall be entitled to like pay and rations as are or shall be provided for the army of the United States; and that every person refusing or neglecting to perform his tour of duty in person or by substitute, shall pay the sum of sixteen dollars for every such neglect or refusal, if the tour was to be for a term not exceeding one month, and in proportion if the tour was to be for any longer or shorter term.

Pay and rations of the militia when on duty, and penalty on any person for not performing his duty.

SECT. XXX. *And be it further enacted by the authority aforesaid,* That the division composed of the militia of the city and county of Philadelphia, by direction of the general officers thereof, if they see cause, and by and with the consent of the field-officers of the respective regiments, is hereby authorized to meet in division or brigade on any of the days herein appointed for regimental training; and the commanding officers of the several and respective regiments composed of the militia residing northwest of the rivers Ohio and Allegheny, and Conewango creek; and likewise the militia within the counties of Indiana, Cambria, and that part of Armstrong county lying east of Allegheny river; and that part of Westmoreland county called Ligonier valley, and that part of Wayne county above the barrens, are hereby authorized and empowered to cause the same (if they may deem it expedient) to meet and exercise in battalions on any of the days appointed by this act for training in regiments.

What part of the militia may meet in division or brigade on regimental muster days.

And what part in battalions.

SECT. XXXI. *And be it further enacted by the authority aforesaid,* That the following articles, rules and regulations shall be those by which the militia shall be governed:

Rules and regulations for governing the militia.

ARTICLE I. If any field or other commissioned officer, at any regimental review, or when the regiment, battalion, troop or company to which he may belong, or in which he holds a command, is paraded under arms, shall misbehave or demean himself in an unofficer-like manner, or shall on any such occasion neglect or refuse to obey the orders of his superior officer, he shall, for every such offence be cashiered, or punished by fine, at the discretion of a general or regimental court-martial, as the case may require, in any sum not exceeding sixty dollars; and if any non-commissioned officer or private shall, on any parading of the company to which he belongs, appear with his arms and accoutrements in an unfit condition, or be drunk, or shall disobey orders, or shall use any reproachful or abusive language to his officers or any of them, or shall quarrel or promote any quarrel among his fellow soldiers, he shall be disarmed and put under guard, by order of the commanding officer present, until the company is dismissed, and shall be fined at the discretion of a regimental court-martial, in any sum not exceeding twenty dollars nor less than three dollars.

Behaving in an unofficer-like manner.

Arms out of order or misbehaviour of non-commissioned officers and privates.

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Commanding officer of a regiment not performing his duty.

ART. II. If the lieutenant-colonel or commanding officer of any regiment, shall neglect or refuse to give orders for assembling his regiment at any time or times appointed by law, excepting in the city and county of Philadelphia, when any contagious disease may be prevalent there, or at the direction of the inspector of the brigade to which he belongs, when the inspector is thereto commanded by the governor, or in case of an invasion of the city or county to which such regiment belongs, he shall be cashiered, and punished by fine not exceeding two hundred dollars, at the discretion of a general court-martial; and if a commissioned officer of any company shall, on any occasion, neglect or refuse to give orders for assembling the company to which he belongs, or any part thereof, at the direction of his lieutenant-colonel or commanding officer of the regiment to which such company belongs, he shall be cashiered, and punished by fine not exceeding sixty dollars, at the discretion of a court-martial; and a non-commissioned officer offending in such case, shall be fined at the discretion of a regimental court-martial, in any sum not exceeding twenty dollars.

Non-commissioned officer so offending.

Of making out a list of persons drafted.

ART. III. If any captain or commanding officer of a company shall refuse or neglect to make out a list of the persons noticed to perform any tour of duty, and send or convey the same to the lieutenant-colonel or commanding officer of the regiment to which such company may belong, for such neglect or refusal he shall be cashiered or fined at the discretion of a regimental court-martial, in any sum not exceeding forty dollars.

Penalty for deserting.

ART. IV. If any militia-man shall desert while he is on a tour of duty, he shall be fined thirty-two dollars for every such offence, and be obliged to march on the next tour of duty, under the same penalties as at first; if a non-commissioned officer shall so desert, he shall be degraded and placed in the ranks, shall pay a fine of thirty-six dollars, and be obliged to serve another tour as a private.

Of general courts-martial.

ART. V. Every general court-martial shall consist of thirteen members, all of whom shall be commissioned officers, and of such rank as the case may require, and these thirteen shall choose a president out of their number, who shall not be under the rank of a field officer.

Regimental court-martial.

ART. VI. Every regimental court martial shall be composed of seven members, all commissioned officers, who are to choose one of their members a president, not under the rank of a captain; and every court-martial, whether general or regimental, shall appoint a commissioned officer or other fit person to officiate as judge advocate.

Two-thirds of a court-martial must agree.

ART. VII. In any court-martial, not less than two-thirds of the members must agree in every sentence for inflicting any punishment, otherwise the person charged shall be acquitted.

Qualification of witnesses.

ART. VIII. The president of each and every court-martial, whether general or regimental, shall require all witnesses, in order to the trial of offenders, to declare on oath or affirmation that the evidence they shall give is the truth, the whole truth, and nothing but the truth; and the members of such courts shall take an oath or affirmation, which the president is required to administer to them, that they will give judgment with impartiality.

And of members.

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ART. IX. Every court-martial shall have power and authority to issue compulsory process against all and every person or persons who shall neglect or refuse to attend for the purpose of giving evidence in any case therein pending.

Compulsory process may issue against non attending witnesses.

ART. X. No officer or private, being charged with transgressing these rules, shall be suffered to do duty in the regiment, battalion, company or troop to which he belongs, until he has had his trial by a court martial; and every person so charged, shall be tried as soon as a court martial can conveniently be assembled: and every officer under arrest, shall be furnished by the adjutant-general, the brigade-inspector, adjutant of the regiment or other person, as the case may require, with a copy of the charge or charges exhibited against him, at least ten days before his trial, that he may have an opportunity to prepare his defence.

Of officers and privates under accusation.

ART. XI. If any officer or private shall think himself injured by his lieutenant-colonel or commanding officer of the regiment, and shall on due application made to him, be refused redress, he may complain to the brigadier-general, who shall direct the brigade-inspector to summon a general court martial, that justice may be done.

Remedy for injury from commanding officer of a regiment.

ART. XII. If any officer or private shall think himself injured by his captain or other superior officer in the regiment, troop or company to which he belongs, he may complain to the commanding officer of the regiment, who shall summon a regimental court martial, for doing justice according to the nature of the case.

Remedy for injury from any other officer.

ART. XIII. No penalty shall be inflicted by a court martial, other than degrading, cashiering or fining; and all fines imposed by regimental courts martial, shall be collected and paid into the hands of the pay-master, as directed in the twentieth section of this act.

Penalty to be inflicted by a court-martial, limited. Fines to whom paid.

ART. XIV. Any officer or private belonging to the militia charged with transgressing any rules in this act contained, and who shall have been tried and acquitted by a court martial, shall be notified forthwith of such acquittal by the president of such court martial, which acquittal and notification shall be an immediate discharge of any officer or private from arrest.

Notification of acquittal to be given.

ART. XV. The commanding officer of the militia for the time being, shall have the full power of pardoning or mitigating any censures or penalties ordered to be inflicted by a general court martial on any officer, non-commissioned officer or private, for the breach of any of these articles; and every offender convicted as aforesaid by any regimental court martial may be pardoned, or have the penalty mitigated by the lieutenant-colonel or commanding officer of the regiment, excepting only where such censures or penalties are directed as satisfaction for injuries received by one officer or private from another; but in case of officers, if the same is not above the rank of colonel, to be approved by the major-general of the division; and if above that rank, to be approved by the commander in chief of the militia; who are respectively empowered to pardon or mitigate such sentence or disapprove of the same.

Power of pardoning the militia may be detailed under arms on days of training.

ART. XVI. The militia on the days of training shall be detained under arms, on duty in the field, any time not exceeding six hours: *Provided* they are not kept above three hours under arms at any one time, without allowing a proper time to refresh themselves.

How long the militia may be detained under arms on days of training.

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Fines how
to be paid
and collected.

ART. XVII. All fines that shall be imposed by general, division, or brigade court martial, for any breach of these rules, shall be paid into the hands of the inspector of the brigades to which the offenders belong, or to such person or persons as he shall appoint, and make known in brigade orders, as his agents or attornies to receive the same, within three weeks after they become due ; but in case of neglect or refusal to pay any of the said fines, the said brigade-inspector shall cause the same to be levied and collected in the manner hereinafter mentioned.

The federal
rules of
discipline
adopted.

ART. XVIII. The rules and discipline approved and established by Congress, by "An act for establishing rules and articles for the government of the armies of the United States," passed April tenth, one thousand eight hundred and six, shall be the rules of discipline to be observed by the militia throughout this state, except such deviations from said rules as may be rendered necessary by the requisitions of the acts of Congress, or of this state ; and it shall be the duty of the commanding officer at every training, whether by regiment, battalion or single company, to cause the militia to be exercised and trained agreeable to the said rules of discipline, and the instructions laid down by the Baron Steuben, and annexed to the said rules of discipline, pointing out the respective duties of the officers, non-commissioned officers and privates, are recommended and enjoined upon the militia of this state, as fully as if the said instructions were repeated and expressed in this act at length.

And the in-
structions of
the Baron
Steuben.
Militia to be
subject to the
same
rules and re-
gulations as
the federal
army whilst
in actual ser-
vice.

The forego-
ing articles
to be read
annually by
the com-
manding of-
ficers of
companies.

ART. XIX. The militia of this state, whilst in the actual service thereof, or of the United States, shall be subject to the same rules and regulations as the federal army ; and it shall be the duty of the commanding officer of each company, under the penalty of five dollars for every neglect, to read or cause to be read the foregoing articles, at least once in every year on some company day of training.

Privilege of
militia from
civil process.

SECT. XXXII. *And be it further enacted by the authority aforesaid,* That no civil process shall be served on any commissioned officer or private, at any regimental, battalion or company training or while going to or returning from the place of such review or training.

How all
other fines
are to be
recovered.

SECT. XXXIII. *And be it further enacted by the authority aforesaid,* That all and every of the fines and forfeitures by this act made payable for the recovery and appropriation, of which no mode is hereinbefore pointed out, shall be recovered by the inspectors of the several brigades, in the name and for the use of the commonwealth, by action of debt, before any justice of the peace or in any court of record within this commonwealth, as from the amount thereof they shall be cognizable ; and the said inspector shall render his accounts for all monies by him received and disbursed by virtue of this act, to the officers of the department of accounts, for settlement, every twelve months ; and in case of the refusal or neglect of any brigade-inspector to render his accounts as aforesaid, the register-general and the comptroller-general are hereby empowered and directed to proceed against him in like manner as they are or may be authorized and empowered to proceed against delinquent county treasurers, to compel the settlement of their accounts and the payment of monies due the commonwealth thereon, into the state-treasury.

The brigade-
inspector to
exhibit an
account of
his receipts
and dis-
bursements
annually to
the officers
of accounts.

SECT. XXXIV. *And be it further enacted by the authority aforesaid,* 1807.
That all monies paid into the treasury by virtue of this act, shall be appropriated for the purpose of equipping and furnishing the militia with arms, and every necessary apparatus for the defence and security of the state; and the treasurer of the state shall keep separate accounts of the same.

Fines made
a fund for
militia uses.

SECT. XXXV. *And be it further enacted by the authority aforesaid,*
That the brigade-inspector and two reputable and disinterested citizens shall appraise the horse of each officer who is entitled by the rules of war to keep a horse, and the horse of each light-horseman, immediately before every time of going into actual service, and enter such appraisement in a book; and in case such horse shall be killed or die in actual service, or be taken by the enemy, otherwise than by neglect of the owner, on his producing to the officers of the department of accounts a certificate of the loss of the said horse, signed by the commanding officer of the detachment to which he belonged whilst in actual service, together with a certificate of the valuation so as aforesaid directed to be made, he shall thereupon be paid the full amount of such appraisement, by an order to be drawn in the usual manner on the state treasurer, to be paid out of the militia funds.

Horses to be
appraised
before going
into actual
service.

And paid for
if lost
therein

SECT. XXXVI. *And be it further enacted by the authority aforesaid,*
That if any person or persons shall knowingly sell, buy, take, exchange, conceal or otherwise fraudulently or unlawfully receive, hold or detain, or shall refuse to deliver up to the proper brigade-inspector, after he shall give public notice thereof, any arms, accoutrements, colours or drums belonging to this state, on any account or pretence whatsoever, the person so offending, being convicted thereof before any justice of the peace or alderman of the city or county where such offence shall be committed, shall forfeit and pay for every such offence, treble the value of such arms and accoutrements, to be ascertained by such justice or alderman, and levied at the suit of the said brigade-inspector, by distress and sale of the offender's goods and chattels, by the justice or alderman before whom such offender shall be convicted, returning the overplus, if any, on demand, to such offender; and for want of such distress, shall commit such offender to the common gaol of the county, there to remain without bail or mainprize for any term not exceeding one month, unless such money be sooner paid.

Penalty for
fraudulently
receiving or
holding mi-
litia arms or
apparatus.

SECT. XXXVII. *And be it further enacted by the authority aforesaid,*
That if any suit or suits shall be brought or commenced against any person or persons for any thing done in pursuance of this act, the action shall be laid in the county where the cause of such action did arise, and not elsewhere; and the defendant or defendants in said action or actions to be brought, may plead the general issue, and give this act and the special matter in evidence; and if the jury shall find for the defendant or defendants in such action or actions, or if the plaintiff or plaintiffs shall be non-suited, or discontinue his or their action or actions, after the defendant or defendants shall have appeared, or if upon demurrer, judgment shall be given against the plaintiff or plaintiffs the defendants shall have treble costs, and have the like remedy for the same, as any defendant or defendants hath or have in other cases to recover costs by law.

Suits for acts
under this
law to be
brought only
in the proper
county.

The general
issue may be
pleaded, and
special mat-
ter given in
evidence.
Proceedings
in such suits.

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Commanding officer of each company to appoint a person to receive, clean, and to take care of the public arms.

Such person to receive a compensation.

Field-officers of regiments empowered to remit fines in certain cases.

Arms that were the property of the state, prior to the year 1797, how to be collected and repaired.

Accounts for repairing arms how paid.

Such arms how distributed.

Of teaching drummers, fifers, buglers and trumpeters.

SECT. XXXVIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the captain or commanding officer of each company respectively, to appoint a suitable person near the place of training, in whose custody such arms shall be put, to be cleaned and kept in repair for the use of such militia-men as the officers of the company shall deem unable to procure their own arms, agreeably to this act; and the said arms shall not be taken from their places of deposit except on the days appointed by this act, for the exercise and discipline of the militia, or when they shall be called into actual service; and the persons so appointed shall receive such compensation for his services, as the field-officers of the regiment or a majority of them shall deem just and reasonable, to be paid out of the regimental fund.

SECT. XXXIX. *And be it further enacted by the authority aforesaid,* That the field-officers of the respective regiments are hereby empowered, on the regimental appeal to be held on the second Monday in December, annually, to remit such fine or fines with which any person or persons have or may be charged as exempts in county duplicates, as may appear to them or a majority of them to have been impracticable for the collectors to obtain.

SECT. XL. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the field-officers of each and every regiment, to collect all the arms which * were the property of this commonwealth prior to the year one thousand seven hundred and ninety-seven, and contract with any person or persons for the repair of such arms as the said officers or a majority of them may think necessary; and the person making such repairs shall furnish the lieutenant-colonel or commanding officer with an accurate account of all repairs so made, particularly designating the expense of each, which account the commanding officer as aforesaid shall produce to the brigade-inspector of the proper brigade, who shall make a return of the number so repaired to the adjutant-general each and every year; and the commanding officer shall also produce the aforesaid account to the commissioners of the county in which such repairs were made, who shall endorse their warrant on the same for the amount thereof, directed to the county treasurer, who shall pay the amount thereof out of the monies collected of exempts to the person making such repairs, or to the commanding officer as aforesaid for his use, and the account shall be a voucher to the treasurer in the settlement of his accounts with the officers of the department of accounts; and the lieutenant-colonel or commanding officer shall distribute the arms so repaired, equally to each captain in the regiment, where such old arms were found; and the same regulations shall be observed in all respects, as in case of any new arms.

SECT. XLI. *And be it further enacted by the authority aforesaid,* That if any youth of twelve years, and not exceeding the age of eighteen years, shall, with the consent and approbation of his parents, attach himself to any company of militia for the purpose of learning to beat the drum, play on the fife, blow on the bugle-horn or trumpet, provided the number shall not exceed one person for the drum and one for the fife, or one for the buglehorn in each

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company, and one for the trumpet in each troop of horse ; every such person or persons shall be put under the instruction of the drum and fife major, the bugler or trumpeter, as the case may be, whose duty it shall be to teach such person or persons in the best manner in his power ; and as soon as such person or persons shall be able to perform field duty to the satisfaction of the commanding officer of the regiment, he shall draw his warrant on the pay-master in favour of the drum or fife-major, the bugler or trumpeter, who may have taught such person or persons as aforesaid, for the sum of ten dollars for every person so taught ; and the person so taught, shall be furnished with a suit of regimentals, to be paid for out of the funds of the regiment ; and the father of every youth who shall have been instructed as aforesaid, shall be exempted and excused from every kind of militia duty so long as his son shall continue to perform the duties of a drummer, fifer, bugler or trumpeter in any militia company.

Compensation to the teachers.

And to the parties taught.

And their fathers exempt from militia duty.

SECT. XLII. *And be it further enacted by the authority aforesaid,* That the last Monday in the month of April, and the last Monday in September annually, be and they are hereby appointed for the commissioned and staff-officers of the respective regiments to meet together at the most convenient place, to be fixed by the field officers of each regiment, for the purpose of perfecting themselves in the military art ; and the officers aforesaid shall appear with proper arms and uniform, under the same penalty for each neglect as on the days of training, and the commanding officer* of each regiment shall, within three days after the appeal appointed by this act, direct his warrant, for collection of the fines in this section mentioned, to the quarter-master of the regiment, or other fit person ; and the said quarter-master is directed and required to collect and pay over the same to the pay-master of the regiment, within thirty days from the receipt of the warrant, under the penalty of twenty dollars ; and shall receive for his services the same compensation as is allowed for collecting fines by the twentieth section of this act, which shall be recovered in like manner, and the persons entitled to like appeal as those for non-attendance are entitled to by this act ; and the fines accruing by virtue of this section, shall be appropriated in such manner as a majority of the officers attending on such days of training may direct ; and each commissioned and staff-officer shall receive as a compensation for the service required of him by this section, the sum of one dollar and fifty cents for each day's service by him performed, to be paid by the respective county-treasurers on a certificate signed by the lieutenant-colonel or commanding officer of the regiment present, when the service was rendered, to be paid out of the exempt fines ; and where there are no exempt fines, to be paid out of the money arising from tavern licenses ; and the respective county-treasurers, on producing such certificate, shall be allowed therefor in the settlement of his accounts with the officers of the department of accounts.

When and where the officers shall meet together for perfecting themselves in the military art.

How fines are to be collected.

To whom paid.

And in what manner appropriated.

[Part of this section repealed. See note.]

SECT. XLIII. *And be it further enacted by the authority aforesaid,* That a majority of any light-infantry, grenadier, rifle or artillery

Volunteer corps may fix their own

* "officers" in the original.

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days of training and exercise, in addition to those prescribed by law.

Of notices and fines in such cases.

Fines how collected ;

And appropriated.

Special provisions in favour of the regiment of artillery commanded by lieutenant-colonel John Connelly.

SECT. XLIV. *And be it further enacted by the authority aforesaid,* That the regiment of artillery now commanded by lieutenant-colonel John Connelly, formed within the bounds of the first division, composed of the militia of the city and county of Philadelphia shall continue as heretofore ; and the field and other officers of the said regiment, shall be elected in like manner as is directed by this act for the election of officers in the infantry ; and the individuals composing said regiment shall be subject to the same fines and penalties, and be entitled to similar relief, as the rest of the militia of this state are entitled to by this act ; and the companies composing said regiment shall be called into actual service in rotation, by companies, and not by classes according to the number in rank which each company bears in said regiment, commencing with the company whose turn it may next be to perform a tour of duty agreeable to former arrangements of said regiment, provided each company shall not be less than forty-four non-commissioned officers and privates.

Provision for the widow and children of militia killed in service.

SECT. XLV. *And be it further enacted by the authority aforesaid,* That if any officer, non-commissioned officer or private militia-man, or volunteer acting with the militia residing in this state, having a family, shall be slain in battle, or shall die of wounds received in the service of this state, his widow, child or children shall be entitled to similar relief, and under the same regulations and restrictions as were provided by the act entitled, “ An act to provide for the more effectual relief of the widows and children of the officers and privates of the militia, who have lost their lives in the service of their country,” passed the twenty-seventh day of March, one thousand seven hundred and ninety ; and if any officer, non-commissioned officer or private militia-man or volunteer acting with the militia residing in this state, shall be wounded, or otherwise disabled in the service of this state, he shall be entitled to similar relief, and under the same regulations and restrictions as have been provided by an act entitled, “ An act for the relief of officers, soldiers and

And for wounded or disabled militia.

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seamen, who in the course of the late war have been wounded, or otherwise disabled in the service of this state, or of the United States," passed the tenth day of March, one thousand seven hundred and eighty-seven; which last aforesaid act, so far as relates to the purposes of this act, is hereby revived and in full force.

SECT. XLVI. *And be it further enacted by the authority aforesaid,* That no officer of any company, pay-master nor quarter-master of any regiment shall be permitted to resign, until it shall appear to the satisfaction of the field-officers of the regiment, that he or they have duly performed all the duties required of him or them by law, previously to such intended resignation, nor until he or they shall have delivered up to the colonel or commanding officer of the regiment, all the public property in his or their possession, as a militia officer or officers, belonging to this commonwealth; and all regimental and company officers, who shall hereafter be elected or appointed, and duly notified of such election or appointment agreeably to this act, are hereby authorized and directed to do and perform all the military duties in this act required; and all fines which are now due, or hereafter may become due, under the act of the sixth of April, one thousand eight hundred and two, or which may be due under this act which now are or hereafter may be uncollected, either by neglect of the commanding officer of companies or the constables, shall be collected by a warrant issued by the commanding officer of the regiment, to the constable of the proper township, or some other fit person with the power of constables in similar cases, to be paid over as is directed by this act.

No company officer, pay-master or quarter-master to resign until the respective duties required of them by law are performed.

Nor until all public property in their hands is delivered up.

Duty of regimental and company officers hereafter to be elected or appointed.

How certain fines are to be collected, &c.

SECT. XLVII. *And be it further enacted by the authority aforesaid,* That the act entitled, "An act for the regulation of the militia of the Commonwealth of Pennsylvania," passed the sixth day of April, one thousand eight hundred and two; and a supplement thereto passed the twenty-first day of March, one thousand eight hundred and three; and an act making compensation to brigade-inspectors for furnishing blank forms, passed the second day of April, one thousand eight hundred and four; and a further supplement passed the fourth day of April, one thousand eight hundred and five, except so much of the forty-sixth section as relates to the collection of fines now due, or to become due under the above recited acts, which shall have immediate effect, be and the same are hereby repealed and made null and void: *Provided always,* That nothing herein contained, shall be construed so as to revive any former law or laws which, in and by the said recited act, is or are repealed and made void, or to prevent the recovery of any fines or forfeitures incurred under the several laws hereby repealed. (s)

Repeal of former laws.

Passed 9th April, 1807.--Recorded in Law Book No. XI. page 55.

(s) By a supplement to this act, passed 26th March, 1808, (chap. 2947,) the field-officers of any regiment, or a majority of them, shall have power to direct training or exercising in battalions, instead of regiments; and, in the first division, regimental instead of company or battalion trainings; and on

notice thereof to the brigade-inspector of the proper brigade, he shall notify the same as directed in the case of regimental trainings: *Provided,* That the field-officers of the 141st regiment, shall have power to direct training in regiment, instead of battalion.

§ 2. Additional volunteer companies

1807. authorized to be raised ; and the mode thereof prescribed.

§ 3. Complaints of elections of brigadier-general, or brigade-inspector, shall not be acted upon, after the lapse of thirty days, of a field-officer not after twenty, and of a company officer, not after ten days.

§ 4. Subaltern officer appearing on parade without uniform, six months after he is commissioned, he shall be fined one dollar for every offence ; every other officer, two dollars for every offence.

§ 5. The age and ability of persons enrolled, shall be determined in the first instance by the captain or commanding officer of a company, with appeal as in other cases

§ 6. By-standers molesting, &c. those on parade, may be put under arrest, at the discretion of the commandant, until the regiment, &c. is dismissed.

§ 7. Prescribes special provisions in favour of the militia legion of Philadelphia.

§ 8. The articles, rules and regulations for the government of the militia, shall extend to the musicians thereof.

§ 9. The troops of cavalry, and artillery companies, to be attached to the respective regiments, &c. and shall be subject to the same fines for absence from regimental trainings, as the members of other militia corps.

§ 10. On a call of the militia into actual service, the Governor empowered to organize the light-infantry, grenadiers, &c. into brigades, &c. and the manner of officering them prescribed.

§ 11. The Governor empowered to furnish the commandants of artillery corps, occasionally, with ammunition, for the purpose of practising with their field-pieces ; and the manner prescribed for defraying the expenses of repairs of the arsenal, carriages, &c.

§ 12. The performance of a tour of duty, or payment of an equivalent therefor, shall exempt any militia man from a second tour, until every class shall have performed its tour, or paid its equivalent therefor.

§ 13. Prescribes the mode of determining the rank of certain officers,

§ 14. Prescribes the mode of appointing and commissioning the brigade quarter-master, and of commissioning the brigade-major.

§ 15. When any detachment of militia shall be called to hold themselves in readiness for actual service, it shall be mustered and inspected by the respective brigade-inspectors, within their respective regimental bounds ; and such detachment shall not be marched to the general rendezvous, but

where such detachment is actually required to take the field.

§ 16. Prescribes the further distribution of the public arms.

§ 17. Repeals so much of the 42d section of the act in the text, as allows compensation to the commissioned and staff-officers on their days of training ; and every other part of the said act as is altered or supplied by this supplement.

By a further supplement, passed 4th April, 1809, the 2d battalion of the 1st regiment, 10th division, south of Loyal Sock creek, in Lycoming county, shall meet within their battalion bounds, on the same days as are prescribed by the act in the text.

§ 2. Five per cent. allowed to the collectors of taxes, on the collection of exempt fines.

§ 3. On the days appointed for regimental and battalion trainings, in May and October, the 1st and 4th companies of the 1st battalion of the 136th regiment, shall meet together, and exercise at some central place ; and the 5th and 8th companies shall meet on the following day at some other place ; the places to be fixed by the field-officers, and to be subject to the same fines, &c. as if they trained by regiments—and the mode of electing a major, to train the said battalion is prescribed and regulated.

§ 4. Repeals so much of the act in the text as is hereby altered and supplied.

By act of 19th March, 1810, the powder for the different artillery corps, shall be paid for, on settlement with the accounting officer, out of any unappropriated monies in the treasury, not exceeding twenty dollars a year, for each company.

With respect to exempt fines, and the duties of the brigade-inspectors, and county commissioners therein, see the accounting act, passed 30th March 1811, section 21-22.

By an act passed 30th March, 1811, entitled " An act granting certain privileges to and enlarging the regiment of artillery, attached to the first brigade, first division Pennsylvania militia, and for the better organization of the cavalry in the city and county of Philadelphia," provision is made for officering the first regiment of artillery. 2. When five hundred men are enrolled, they shall be divided by ballot into companies, and officers shall be elected. 3. One company of flying artillery to be organized, &c. Field pieces, &c. to be furnished by the Governor. 4. Uniform of the regiment and flying artillery described, and penalty for appearing on parade unequipped. 5. Penalty on officers

parading without being in full uniform. 6. Ten years service in said regiment, to exempt from further militia duty. 7. A thousand stands of arms to be loaned to said regiment, on security. 8. The time of keeping the regiment under arms prescribed, and members excepted from arrest while training. Horses to be enrolled by their distinguishing marks; arms and equipments exempted from attachments, seizures, &c. 9. No bystander to molest a soldier on duty, &c. 10. The mode of exercising the regiment prescribed, &c. 11. Band of musicians to be formed, with the same privileges of the members of the regiment. 12. Ammunition accounts to be settled agreeably to the act of March, 1810. Ammunition to be expended in practising with field artillery, &c. 13. Ven-

ders of spirituous liquors on parade, to be fined, &c. 14. Fines to be collected and appropriated as provided by the act in the text. 15. Ten years service in any artillery company, to exempt from future service, except in case of invasion, &c. 16. Privileges of the regiment declared. 17. The cavalry of the city and county to be formed into a regiment, &c. 18. As soon as two hundred and forty persons are enrolled, elections shall be held for officers. 19. The regiment to be divided into squadrons, &c. 20. Majors to superintend the company elections; size of horses, and equipments prescribed. 21. The regiment of cavalry to train as other militia. 22. The regiment training provided for—a power given to it, to make by-laws for its regulation, &c.

CHAPTER MMDCCCXLIII.

An ACT for raising by way of lottery the sum of six thousand dollars for defraying the expense of making an aqueduct to conduct water into the town of Meadville, and for other purposes. (t)

Passed 10th April, 1807.—Recorded in Law Book No. XI. page 86.

(t) Four commissioners appointed to conduct the lottery—The scheme to be approved of by the governor—To give bonds, &c.—Two to attend each day's drawing in Philadelphia; when completed the fortunate numbers to be published in two newspapers printed in the city of Philadelphia, and the Crawford Weekly Messenger—Prizes not demanded within twelve months deemed relinquished—Three commissioners appointed to lay out half the nett proceeds

of the lottery in conveying water into the town of Meadville by pipes—one-sixth to improving the streets therein, one-sixth to be added to the funds of a seminary of learning therein, and one-sixth to the Meadville manufacturing society, &c.

By a supplement (post. chap. 2991,) provision is made for supplying vacancies when any of the commissioners refuse to act. (*Note to former edition.*)

CHAPTER MMECCCXLV.

An ACT making an appropriation for the improvement of certain roads in the western counties, and authorizing the courts of the respective counties to appoint fit persons to view and lay out the same.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the sum of three thousand dollars, be, and the same is hereby appropriated for the purpose of opening and improving the roads to be viewed and laid out as herein provided for, *to wit:* From the town of Beaver, in the county of Beaver, to the town of Mercer, in the county of Mercer, four hundred and fifty dollars; and from the town of Pittsburgh, in the county of Allegheny, to the town of Butler, three hundred dollars; and from the town of Butler aforesaid, to the town of Mercer, in the county of Mercer, four hundred dollars; and from thence to the town of Meadville, in the county of Crawford, six hundred dollars; and from the town of Butler aforesaid, to the town of Franklin, in the county of Venango, four hun-

Appropriation.

On what roads to be expended.

1807. } dred dollars ; and from thence to the town of Meadville aforesaid, four hundred dollars ; and from thence to the town of Waterford, in the county of Erie, four hundred and fifty dollars ; and the Governor is hereby authorized and required to draw his warrant on the state-treasurer, in favour of the respective county commissioners, for the several sums appropriated as aforesaid, in proportion to the length of the several roads which may lie within each county respectively, which length shall be ascertained as is herein after mentioned.

The Courts of Quarter Sessions authorized to appoint road viewers.

Their qualification.

In what manner the road viewers are to proceed in laying out the different roads.

SECT. II. *And be it further enacted by the authority aforesaid,* That the courts of Quarter Sessions of the Peace, of the respective counties herein named, be, and they are hereby authorized and required to appoint three fit and judicious citizens for each of the aforesaid counties, one of whom at least for each county shall be a practical surveyor, to view and lay out a road from one point to another, each of whom shall take an oath or affirmation before one of the judges or a justice of the peace of the respective county for which any of such viewers may be appointed, that he will discharge the duties of the trust for which he has been appointed with fidelity, and that public utility shall be the governing motive in the discharge of his duty ; and the said courts are hereby empowered to direct the viewers, who may be appointed under this act to lay out the said road to any width not exceeding one hundred feet in the whole length, or such parts thereof as the said courts shall think necessary.

SECT. III. *And be it further enacted by the authority aforesaid,* That the citizens who may be appointed as viewers for laying out the different roads herein before named, shall proceed in the following manner, *to wit :* The viewers of the adjoining counties shall meet at such a point as any of the said roads is intended to lead from, through, or to, and shall ascertain a right line from one point to another, and legibly mark the same, so as to serve for a line of experiment, which having done, the viewers shall begin at the most southern point and view the ground on each side of said line found, and lay out a road on said line so found, or as near thereto on either side, or passing over the same from one side to another, as they shall judge under all circumstances most proper ; and they shall legibly mark a line to designate the middle of the road which they lay out, and shall also designate on each side by a plain and distinguishable mark on a tree, or by the erection of a post sufficiently conspicuous, in every quarter of a mile of the distance of at least where the road pursues a straight course so far or farther, and on each side at every point where any angle occurs in its course ; and shall at the end of each mile mark on a tree or erect a post on the right hand side of the road leading northwardly, on which the number of the miles shall be marked in such a manner, that the distance may be known from one principal point or town to another ; and it shall be the duty of the said viewers to keep an accurate account of the distance from any principal point or town at which the viewers of any two adjoining counties may begin, to the line which divides any two of the said counties.

Drafts to be made of the different roads ;

SECT. IV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said viewers as soon as may be after they have laid out any of the said roads respectively, to make out at

least two accurate plans of each of the said roads, for each county, but within the limits of the same, with its several courses and distances, and such other appendages as they may deem necessary, one of which shall be deposited in the prothonotary's office, and the other in the commissioners' office of the respective county. 1807.

Where to be deposited.

SECT. V. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the viewers that may be appointed under the authority of this act, and who may be mutually engaged in laying out any of the said roads, that after they shall have laid out the same, that they shall jointly certify duplicate copies of the number of miles and parts of a mile which lies within their respective counties, from one principal point or town to another; and it shall also be their duty to apportion the sums herein before appropriated for opening and improving the roads from one point to another respectively, in proportion to the number of miles and parts of a mile as is before ascertained and certified, which shall be inserted in the said duplicates and which shall serve as a data for to enable the commissioners of the respective counties to draw their orders on the Governor to the amount of the sums herein before appropriated.

Further duties of the road viewers.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the commissioners of the respective counties herein before named shall as soon as may be, after they have received the sums herein appropriated and apportioned as aforesaid, shall pay the same over to their respective county treasurers for the time being, and take receipts for the same, which said treasurers shall account for as other county stock; and it shall be the duty of the said treasurers respectively, to pay out the sums by them so receipted for, on warrants drawn by the county commissioners, at such time or times and to such amount as they shall deem necessary, until the whole of the appropriations are disposed of according to the true intent and meaning of this act.

The commissioners of the respective counties to pay over the several sums appropriated to their county treasurers.

Duty of the county treasurers.

SECT. VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners of the respective counties herein named, or a majority of them respectively, to contract with any person or persons for improving said roads, or any part or parts thereof within the bounds of their respective counties, and to take such surety or sureties for the faithful performance of such contract or contracts as they or a majority of them shall deem necessary in their respective counties.

The commissioners of the respective counties authorized to contract for improving the roads.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners of the respective counties herein named, to render a just account of the expenditures of the appropriations made under this act, which the said commissioners may have received for the use of their respective counties, to the auditors who may be appointed for settling the accounts of the commissioners and treasurers of the respective counties, who are hereby authorized to adjust and settle the same, and to allow each of the said commissioners who may be necessarily employed in performing the duties required of them by this act, one dollar and thirty-three cents per day, to be paid out of the treasury of the respective counties.

Commissioners to account to the auditors.

Compensation of the commissioners.

SECT. IX. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners of the respective

To adjust and pay the

1807. *accounts of the viewers.* counties herein named, and they are hereby authorized and required to settle and adjust the accounts of the viewers who may be appointed under the authority of this act, and allow each of them the sum of one dollar and fifty cents per day, for every day that they may be necessarily employed in performing the duties enjoined on them by this act, to be paid out of the treasury of their respective counties.

What this act is not to interfere with. SECT. X. *And be it further enacted by the authority aforesaid,* That nothing in this or any other act, shall be construed to interfere with the provisions of the act entitled an act to encourage the patenting of lands and for other purposes.

Passed 10th April, 1807.—Recorded in Law Book No. XI. page 92.

CHAPTER MMDCCCXLVI.

[See the act of March 11th, 1809, establishing two other districts of the Supreme Court.] An ACT erecting a middle district of the Supreme Court, and for other purposes.

Counties of which the middle district is to consist. SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That a middle district of the Supreme Court of this commonwealth shall be and hereby is erected to consist of the counties of York, Adams, Dauphin, Cumberland, Franklin, Huntingdon, Mifflin, Northumberland, Luzerne, Lycoming, Centre, Clearfield, M'Kean, Potter and Tioga.

A prothonotary to be appointed. SECT. II. *And be it further enacted by the authority aforesaid,* That there shall be a prothonotary appointed and commissioned for said court, who shall take the same oath or affirmation and give such bond and security as is by law required of the prothonotaries of the eastern and western districts of the Supreme Court, and shall perform similar duties in his district and be entitled to the same fees as are by law allowed for like services to the prothonotaries of either of said districts.

His duties. SECT. III. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Justices of the Supreme Court to attend and hold one term annually, in and for the middle district at the borough of Sunbury in the county of Northumberland, on the first Monday of July, and the said term shall continue two weeks, if necessary, to do the business therein depending.

One term to be held annually in the middle district. SECT. IV. *And be it further enacted by the authority aforesaid,* That the Supreme Court hereby directed to be holden, shall have and exercise the same powers, authority and jurisdiction in all cases and respects whatsoever, which are vested by the constitution and laws in the Supreme Court of this commonwealth.

Of the jurisdiction of the court. SECT. V. *And be it further enacted by the authority aforesaid,* That the prothonotaries of the eastern and western districts of the Supreme Court, at or before the first day of May, Anno Domini, one thousand eight hundred and eight, be and they are hereby each of them empowered and directed to purchase a blank book for the middle district, and to employ a clerk to make out a docket in the same, for the middle district, containing a statement of all actions

The prothonotaries of the other districts to furnish the prothonotary of the middle district with a docket of all the actions pending and ap-

then pending and undetermined in their respective districts appertaining to the middle district, and shall each of them have the said dockets, together with the records, declarations and other papers respecting all such actions then pending and undetermined as aforesaid, ready to be delivered to the prothonotary of the Supreme Court for the middle district by the first Monday of June, Anno Domini, one thousand eight hundred and eight, and shall deliver the same to him accordingly; the price paid for the said dockets, and the wages of the clerks employed as aforesaid, to be paid to the prothonotaries of the eastern and western districts of the Supreme Court respectively, out of the state treasury, on warrants drawn by the Governor in the usual manner.

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pertaining to
said district.

To be paid
for out of
the state
treasury.

SECT. VI. *And be it further enacted by the authority aforesaid,* That from and after the first day of May, Anno Domini, one thousand eight hundred and eight, all actions pending and undetermined in the eastern or western district of the Supreme Court, appertaining to the middle district, shall be considered as pending in the Supreme Court for the said middle district, and the judges of the said court shall, in all respects and in like manner, proceed to determine the same as though the said actions had originated in the Supreme Court for said middle district.

When actions appertaining to the middle district, shall be considered as pending therein.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the prothonotary of the middle district of the Supreme Court, to be appointed as by this act is provided, shall be accountable to the prothonotaries of the eastern and western districts of said court, and to all others who may have any interest therein, for all fees which shall have accrued upon the several actions in their respective courts, pending prior to this act taking effect, and the same pay over as shall come to his hands.

The prothonotary of the middle district to account to the prothonotaries of the eastern and western districts, &c.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the last Monday of July in each and every year hereafter, shall be a common day of return for the Supreme Court of the eastern district, at which time all writs and process may be returnable in the same manner as at the regular terms of said court, and may also bear test on the said day: *Provided,* That the same be sued out at like periods of time, previous to the days hereby made return days of the said courts respectively, and like directions be observed and performed as are made necessary by law, in writs, process or other proceedings, returnable to the terms of the said court; and it shall be the duty of one of the judges of the said court to attend on the said last Monday of July at the place assigned by law for holding the terms of the said court, to grant rules and to make all necessary orders touching any suit, action, writ of error, process, pleadings, or proceedings returned to or depending therein, preparatory to the hearing, trial or decision of such action, suit, writ of error, process, pleadings or proceedings.

Of a test and return day for the Supreme Court.

Made the duty of one of the judges to attend on said day to grant rules, make the necessary orders, &c.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the first court to be holden in Sunbury agreeably to the provisions of this act, shall commence on the first Monday of July, Anno Domini, one thousand eight hundred and eight.

First term within the middle district.

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Repealing
clause.

SECT. X. *And be it further enacted by the authority aforesaid, That so much of any law or laws as is by this act altered and supplied, be and the same is hereby repealed.*

Passed 10th April, 1807.—Recorded in Law Book No. XI. page 92.

CHAPTER MMDCCCXLIX.

An ACT to provide for the erection of a house for the employment and support of the poor in the county of Bucks.

County commissioners, &c. of Bucks county empowered to cause a poor-house to be erected.

Persons to be chosen to fix on and purchase a site for the poor-house.

Their duties.

Directors of the poor to be elected.

Certificate.

And notice of their election. Meeting of the directors and rotation of service.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of the county of Bucks shall, with the consent of the Court of Quarter Sessions and grand jury of the said county, have power to direct that a house for the employment and support of the poor, shall be erected therein; and as soon as they shall have so determined they shall give notice thereof to the sheriff of their county, who thereupon shall give notice by public advertisements, that the electors of the said county of Bucks, shall at the general election next ensuing, and in the manner prescribed for the election of members of the house of representatives of this commonwealth, elect seven reputable citizens of the said county, whose duty it shall be, or a majority of them, on or before the first day of May next, after their election, to determine upon and purchase a site on which the said buildings shall be erected; and it shall be lawful for the said seven citizens or a majority of them, to take conveyances therefor in the name of, and for the use of the corporations mentioned in the third section of this act, and they shall certify their proceedings therein, under their hands and seals to the clerk of the court of Quarter Sessions of the county of Bucks, to be filed in his office; and the said electors shall also elect three reputable citizens of the said county, in like manner, to be directors of the poor and of the house of employment for the county of Bucks, for the ensuing year; and the judges of the election of the said county, shall immediately on receiving the returns from the several election districts, and casting up the number of votes therein, or within three days thereafter certify under their hands and seals, the names of the persons so elected, to fix on a proper site for the said building, and the names of the directors so chosen to the clerk of the Court of Quarter Sessions of the said county, who shall file the said certificate in his office, and forthwith give notice in writing to the said persons and directors of their being elected; and the said directors shall meet at the court-house in the said county, on the first Monday in November next ensuing their election, and divide themselves by lot into three classes, the place of the first to be vacated at the expiration of the first year, of the second at the expiration of the second year, and of the third at the expiration of the third year, so that those who shall be chosen after the first election, and in the mode above*

described, may serve for three years, and one third be chosen annually. 1807.

SECT. II. *And be it further enacted by the authority aforesaid,* That every director elected in manner aforesaid, or appointed as is directed by the twelfth section of this act, shall within ten days after he is notified of such election or appointment, and before he enters on the duties of the said office, take an oath or affirmation, which any justice of the peace of the said county is hereby authorized to administer, that he will discharge the office of director of the poor for the said county, truly, faithfully and impartially to the best of his knowledge and ability; and in case of neglect or refusal to take the said oath or affirmation within the time aforesaid, he shall forfeit and pay the sum of ten dollars, for the use of the poor of the said county, which fine shall be recovered by the directors for the time being, as debts of equal amount are or shall be by law recoverable.

Qualification of directors and penalty for neglect or refusal to qualify.

SECT. III. *And be it further enacted by the authority aforesaid,* That the said directors shall for ever hereafter, in name and in fact, be one body politic and corporate in law, to all intents and purposes whatsoever, relating to the poor of the county of Bucks, and shall have perpetual succession, and may sue and be sued, plead and be impleaded by the name, style and title, of "The Directors of the Poor and of the House of Employment for the county of Bucks;" and by that name shall and may receive, take and hold any lands, tenements and hereditaments, not exceeding the yearly value of ten thousand dollars, and any goods and chattels whatsoever, of the gift, alienation or bequest of any person or persons whatsoever, to purchase, take and hold any lands and tenements within their county, in fee-simple or otherwise, and erect suitable buildings for the reception, use and accommodation of the poor of said county, to provide all things necessary for the reception, lodging, maintenance and employment of the said poor, to appoint a treasurer annually, who shall give bond with sufficient surety for the faithful discharge of the duties of his office, and that at the expiration thereof, he will well and truly pay and deliver over to his successor, all monies, bonds, notes, books, accounts and other papers, to the said corporation belonging, which shall then be remaining in his hands, custody and possession; to employ and at pleasure remove a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other necessary attendants for the said poor respectively; to bind out as apprentices, so that such apprenticeship may expire, if males, at or before the age of twenty-one years, if females, at or before the age of eighteen years, such poor children as shall come under their notice, or as may now be bound apprentices by the overseers of the poor, and to exercise and enjoy all such other powers now vested in the overseers of the poor, as are not herein granted or supplied; and the said directors shall be empowered to use one common seal in all business relating to the said corporation, and the same at their pleasure to alter or renew.

Directors in corporate.

Style of the corporation.

Its immunities and duties.

Treasurer of the corporation, his qualification and duty.

Steward, matron, physician, &c.

Of binding out apprentices.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said directors, as soon as may be after their election and organization as aforesaid, shall make an estimate of the probable

Estimate to be made of the expense of erecting

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the building, &c.

How the money is to be raised for defraying the same.

expense of purchasing the lands, erecting the necessary buildings and furnishing the same, and maintaining the poor within the said county for one year; whereupon the county commissioners of the said county shall, and they are hereby authorized and required, to increase the county tax by one-fourth part of the sum necessary for the purposes aforesaid, and shall procure on loan on the credit of the taxes herein directed to be levied, the remaining three-fourths thereof, to be paid in instalments with interest out of the county taxes: *Provided always*, That if such loan cannot be made, the whole amount of the sum necessary for the purposes aforesaid or such part thereof as may be deemed proper shall immediately be added to the county tax; to be paid by the county treasurer to the directors aforesaid, on orders drawn in their favour by the county commissioners, as the same may be found necessary.

Directors to furnish the county commissioners annually, with an estimate of the probable expenses of the poor house, &c.

To account annually with the auditors.

Exhibit to the Court of Quarter Sessions a return of the persons in the poor house, &c.

How and when the poor are to be removed to the building erected in pursuance of this act.

Exceptions as to the sick, and how they are to be provided for.

SECT. V. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said directors, on or before the first day of November in each and every year, to furnish the commissioners of said county, with an estimate of the probable expense of the poor and poor-house for one year; and it shall be the duty of said commissioners to assess, and cause to be collected the amount of said estimate, which shall be paid to said directors by the county treasurer, on warrants drawn in their favour by the county commissioners as the same may be found necessary; and the said directors shall at least once in every year render an account of all the monies by them received and expended to the auditors appointed to audit and settle the county accounts, subject to the same penalties, rules and regulations as are by law directed respecting the accounts of the county commissioners; and shall also, at least once in every year, lay before the Court of Quarter Sessions and grand jury of the said county, a list of the number, ages and sexes, of the persons maintained and employed in the said house of employment, or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeships as aforesaid, with the names of the masters or mistresses, and their trade, occupation or calling; and shall at all times when thereunto required, submit to the inspection and free examination of such visitors as shall from time to time be appointed by the Court of Quarter Sessions of the said county, all their books and accounts, together with the rents, interests and monies, payable and receivable by the said corporation, and also an account of all sales, purchases, donations, devises and bequests, as shall have been made by or to them.

SECT. VI. *And be it further enacted by the authority aforesaid*, That as soon as the said buildings shall be erected, and all necessary accommodations provided therein, notices shall be sent, signed by any two of the said directors, to the overseers of the poor of the several townships of the said county of Bucks, requiring them forthwith to bring the poor of their respective townships to the said house of employment, which order the said overseers are hereby enjoined and required to comply with, or otherwise to forfeit the cost of all future maintenance, except in cases when by sickness or other sufficient cause, any poor person cannot be removed, in which case the said overseers shall represent the same to the nearest justice of the

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peace, who being satisfied of the truth thereof, shall certify the same to the said directors, and at the same time issue an order under his hand and seal to the overseers, directing them to maintain such poor, until such time as he or she shall be in a situation to be removed, and then to convey the said pauper, and deliver him or her to the steward or keeper of the said house of employment, together with the said order, and the charge and expense of such temporary relief, and of such removal, shall be paid by the said directors at a reasonable allowance.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the said directors shall from time to time, receive, provide *for and employ, according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in the said county of Bucks, and shall be sent there by an order or warrant for that purpose under the hands and seals of any two justices of the peace, directed to any constable of the said county of Bucks, or to the overseers of the proper township in any other county of this commonwealth, and to the said directors of the poor and of the house of employment of the said county of Bucks, and the said directors are hereby authorized when they shall deem it proper and convenient so to do, to permit any poor person or persons to be maintained elsewhere.

The directors required to provide for, and employ the poor

May permit poor persons to be maintained elsewhere.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the said directors or any two of them, who shall be a quorum in all cases to do business, shall have full power to make and ordain all such ordinances, rules and regulations as they shall think proper, convenient and necessary for the direction, government and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and of all such persons as shall come under their care or cognizance : *Provided,* The same be not repugnant to this law or any other of the laws of this state or of the United States : *And provided also,* That the same shall not have any force or effect until they shall have been submitted to the Court of Common Pleas, for the time being, of the said county of Bucks, and shall have received the approbation of the said court.

Power of the directors to make rules and regulations.

Proviso.

SECT. IX. *And be it further enacted by the authority aforesaid,* That a quorum of the said directors shall, and they are hereby enjoined and required to meet at the said house of employment, at least once in every month, and visit the apartments and see that the poor are comfortably supported, and hear all complaints, and redress, or cause to be redressed, all grievances which may happen by the neglect or misconduct of any person or persons in their employment or otherwise.

Directors to visit the house of employment, monthly.

SECT. X. *And be it further enacted by the authority aforesaid,* That the said directors shall each of them receive for their services forty dollars per annum, to defray the expenses of their necessary attendance on the duties of their offices.

Their compensation.

SECT. XI. *And be it further enacted by the authority aforesaid,* That in case of any vacancy by death, resignation or otherwise, of any of the said directors, the remaining directors shall fill such va-

Of supplying vacancies in the direction.

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cancy by appointment of a citizen of their said county, under the same penalty as is provided by the third section of this act, to serve until the next general election, when another director shall be elected to serve as if no such vacancy had happened.

The balance of monies in the hands of the overseers of the poor after payment of their debts, how to be applied.

And when the office is to be abolished in Bucks county.

Repeal of certain laws.

Certain powers and duties heretofore conferred and imposed on the overseers of the poor, transferred, &c.

Duties enjoined on the justices of the peace and sheriff.

Penalty for neglect, &c.

Compensation to the persons appointed to fix on the site for the poor house, &c.

SECT. XII. *And be it further enacted by the authority aforesaid,* That all claims and demands existing at the time of this act being carried into effect shall have full force and effect as if this act had not been passed, and when the same shall have been duly adjusted and settled, all monies remaining in the hands of the overseers, as well as the uncollected taxes levied for the support of the poor in the several townships in the county of Bucks, shall be paid over to the supervisors of the highways of their respective townships, to be by them applied towards the repairing of the roads therein, and from thenceforth the office of overseer of the poor in the said county shall be abolished.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That so much of the laws of this commonwealth relating to the poor as are by this act altered or supplied, be and the same is hereby repealed, so far as they affect the county of Bucks.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That the powers conferred and duties imposed on the overseers of the poor, in and by an act to empower the overseers and guardians of the poor of the several townships within this commonwealth, to recover certain fines, penalties and forfeitures, and for other purposes, are hereby conferred and imposed on the supervisors of the highways in the said county of Bucks; and that the justices of the peace and sheriff within the said county, are hereby required and enjoined to pay to the said supervisors, to be by them applied to the repair of the highways, the aforesaid fines, penalties and forfeitures, within the time, and in the manner prescribed by the said act, for the payment thereof in other counties to the overseers of the poor, and to give notice of the receipt thereof to the said supervisors within the time and in the manner aforesaid, and that for any neglect or refusal to perform any of the duties enjoined on them by the said act, the said justices of the peace and sheriff in the said county shall be subject to all the fines, penalties and forfeitures to which the justices of the peace and sheriffs in other counties are by the said act subject and liable.

SECT. XV. *And be it further enacted by the authority aforesaid,* That the commissioners of the said county are hereby authorized and empowered to pay to the persons who are appointed by this act to fix the place where the buildings for the accommodation of the poor in said county shall be erected, such sums of money as will be sufficient to reimburse them for their expenses, and also to pay to each of the said directors such sum of money as (together with the annual sum allowed them by this act) may be in the opinion of the commissioners, a reasonable compensation for their services, during the time they are employed in erecting the buildings aforesaid.

CHAPTER MMDCCCLI.

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An ACT declaring the middle of the river Monongahela, the division line between the counties adjoining the same.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the middle of the river Monongahela shall be, and is hereby declared the division line between the counties adjoining the same: Provided nevertheless, That when an offence may be committed on said river, and it may be doubtful on which side of said line the offence was committed, the offender or offenders may be prosecuted in either of the counties adjoining said river, in* which he, she or they may be found.*

The middle of the river declared the line of division.

Passed 10th April, 1807.—Recorded in Law Book No. XI. page 100.

CHAPTER MMDCCCLII.

An ACT to provide for the erection of a poor house, for the better relief and employment of the poor in the townships of Oxford and Lower Dublin, in the county of Philadelphia.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That there shall be a poor house erected in the townships of Oxford and Lower Dublin, in the county of Philadelphia, for the more convenient and comfortable accommodation and employment of the poor, settled in either of the townships aforesaid, where they shall be supported at the common expense of the same, without regard to residence or settlement in either of the particular townships.*

Poor house to be erected within the townships of Oxford and Lower Dublin, in the county of Philadelphia.

SECT. II. *And be it further enacted by the authority aforesaid, That there shall be eight citizens and inhabitants of the said townships: that is to say, four out of each township, appointed as hereinafter mentioned, for directors of the poor, and of the house of employment of said district, who shall for ever thereafter in name and in fact, be one body politic and corporate in law to all intents and purposes whatsoever relating to the poor of said townships; and shall have perpetual succession, and may sue and be sued, plead and be impleaded, by the name, style and title, of "The Directors of the Poor, and of the House of Employment for the Townships of Oxford and Lower Dublin, of Philadelphia County;" and by that name shall and may receive, take, hold and possess, any lands, tenements and hereditaments whatsoever, not exceeding the yearly value of five thousand dollars, and any real estate, goods and chattels whatsoever, of the gift, alienation or bequest of any person or persons whomsoever, and purchase, take and hold any lands and tenements in fee-simple or otherwise, within the said townships and erect suitable buildings thereon for the reception, use and ac-*

Four persons from each township to be chosen as directors of the poor.

Directors incorporated.

Style of the corporation.

Its immunities and powers.

To hold real estate, &c.

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Provide maintenance and employment for the poor.

Appoint a treasurer, &c.

Employ stewards, matrons, physicians, &c.

Bind out as apprentices, poor children.

Appoint collectors of taxes, &c.

And use one common seal.

Manner of electing the directors.

Who are to fix on the site for the public buildings, &c.

Meeting of the directors and rotation of service.

Of future elections for directors.

commodation of the poor of their respective townships, and provide all things necessary for the boarding, lodging, maintenance and employment of the said poor ; they shall appoint a treasurer annually, who shall give bond with sufficient security for the faithful discharge of the duties of his office, and that at the expiration thereof, he will well and truly pay and deliver over to his successor in office, all monies, bonds, notes, books, accounts and other papers to the said corporation belonging, which shall then be remaining in his hands, custody and possession ; shall employ and at pleasure remove, a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other necessary attendants for the said poor respectively ; they shall have the same power to bind out as apprentices, such poor children as shall come under their notice, as the overseers of the poor with the approbation of any two justices of the peace now possess, so that such apprenticeship may expire, if males at or before the age of twenty-one years, if females at or before the age of eighteen years ; and shall appoint a collector or collectors of such tax or taxes as they, with the approbation of four justices of the peace, two of whom shall reside in each township, may judge it expedient to levy and raise within the said townships as hereinafter mentioned, which collector or collectors shall be subject to the same penalties, and entitled to the same compensation as are by law directed for the collectors of county taxes, and to exercise and enjoy all such powers now vested in the overseers of the poor, as are not herein granted or supplied ; and the said directors shall be empowered to use one common seal, in all business relating to the said corporation, and the same at their pleasure to alter and renew.

SECT. III. *And be it further enacted by the authority aforesaid,* That the electors of the said townships qualified to vote for members of the House of Representatives shall meet at the house of Christopher Snyder, sign of the wheat sheaf, on the last Saturday in April, one thousand eight hundred and seven, of which time and place it shall be the duty of the overseers of the poor of said townships, to give public notice, and after appointing one citizen from each of said townships to preside as judges of the election, shall elect by ballot, four citizens and inhabitants of each of said townships, to serve as directors of the poor, and of the house of employment of the said townships ; whose duty it shall be to determine and fix upon the place on which the said building shall be erected, and prosecute the same as soon as convenient ; and the said directors shall meet and divide themselves by lot into two classes, paying regard to keeping up an equal representation in the two townships, the office of the first class to expire at the appointment of directors in the year one thousand eight hundred and eight, as hereinafter directed, and the office of the second class to expire in like manner, in the year one thousand eight hundred and nine, so that one half of the number of directors may be appointed annually, in the mode hereinafter prescribed.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the electors of the said townships qualified to vote for members of the house of representatives, shall at the general election to

be held in the year one thousand eight hundred and eight, elect two citizens and inhabitants of each of the townships; and the judges of election for said townships shall certify under their hands and seals the names of the directors so chosen, to the clerk of the Court of Quarter Sessions of the county, who shall file the said certificate in his office, and forthwith give notice in writing to the said directors of their being elected, who shall succeed to the office of director of the poor of the said house of employment, and shall continue in office for the term of two years thence next ensuing.

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Certificate
and notice of
the election.

SECT. V. *And be it further enacted by the authority aforesaid,* That every director appointed in manner aforesaid, or as is directed by the fourteenth section of this act, shall within ten days after he is notified of such appointment, and before he enters on the duties of the said office, take an oath or affirmation, which any Justice of the Peace of the said district is hereby authorized to administer, that he will discharge the office of director of the poor for the said district, truly, faithfully and impartially to the best of his knowledge and ability; and in case of neglect or refusal to take the said oath or affirmation within the time aforesaid, he shall forfeit and pay any sum not exceeding ten dollars, for the use of the institution, which fine shall be levied and recovered by the directors for the time being, as debts of equal amount are or shall be by law recoverable.

Qualifica-
tions of di-
rectors, and
penalty for
neglect or
refusal to
qualify.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the above named directors as soon as may be after the passing of this act, and their being organized as aforesaid, shall make an estimate of the probable expense of purchasing the lands, erecting the necessary buildings and furnishing the same, for defraying the expenses whereof, they are hereby authorized to procure on loan, on the credit of the institution, and of the taxes hereby directed to be levied within the said townships, any sum of money not exceeding five thousand dollars, for refunding of which in instalments with interest, and for all other necessary expenses and disbursements in completing and prosecuting the institution and supporting the poor, the directors for the time being are hereby authorized to levy a tax or taxes, to be rated according to the county assessments, in an equal proportion in each township, but not to exceed one cent in the dollar in any one year.

Estimate to
be made of
the expense
of erecting
the building,
&c.

How the
same is to be
defrayed.

Limitation
of taxes.

SECT. VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the directors aforesaid, or a majority of them, having first obtained the approbation of four justices of the peace, two of whom shall reside in each township, to make and lay a rate or assessment not exceeding seventy-five cents in every hundred dollars upon the value of all the real and personal estates within the said townships; and in laying the rates or assessments as aforesaid, they shall be guided by the county assessment, on the said townships, made or to be made on other occasions, and shall enter such rates fairly in a book, of which a duplicate signed by the said directors or a majority of them, shall be delivered to the justices aforesaid, who shall allow the same if they find it just and reasonable, without fee or reward: and any inhabitant of the said townships shall be permitted to inspect the rates at all reasona-

Proceedings
of the direc-
tors in lay-
ing assess-
ments.

Which are to
be fairly en-
tered in a
book.

Which is to
be open to in-
spection, &c.

1807. ble times without fee or reward ; and the directors shall give copies on demand of any citizen or citizens, inhabitants of the said townships, being paid for the same at the rate of four cents for every twenty-four names ; and if any director shall refuse the inspection, or to grant copies as aforesaid, for every such offence he shall forfeit the sum of three dollars for the use of the institution, to be recovered as debts of a like amount are by law recoverable.

Directors to account annually, to auditors appointed by the townships.

Publish a return of the persons in the poor house ; or supported elsewhere, &c.

Auditors to be chosen.

Their duties.

When and how the poor of said townships are to be removed to the poor house.

Exception as to the sick, and how they are to be provided for.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the said directors shall at least once in every year, render an account of the monies by them received and expended, to auditors appointed by the said townships to audit and settle the same, subject to the same penalties, rules and regulations as are by law directed respecting the accounts of the county commissioners ; and shall also once a year publish a list of the number, ages and sexes of the persons maintained and employed in the said house of employment, or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeships as aforesaid, with the names of the masters or mistresses, and their trade, occupation or calling ; and shall at all times when thereunto required, submit to the free inspection and examination of such visitors as may from time to time be appointed by the Court of Quarter Sessions of the said county, all their books and accounts, together with the rents, interests and monies payable and receivable by the said corporation with an account of all sales, purchases, donations, devises and bequests as shall have been made by or to them.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the electors of each of the said townships shall on the third Friday in March in each and every year, between the hours of three and six o'clock in the afternoon, elect by ballot one reputable citizen as an auditor, to settle and adjust the accounts of the directors and treasurer ; and the said auditors shall publish a statement thereof by two or more written or printed advertisements, set up in some of the most public places in each of the said townships.

SECT. X. *And be it further enacted by the authority aforesaid,* That as soon as the said buildings shall be erected and all necessary accommodations provided therein for the reception of the poor, notice shall be sent, signed by any two of the directors to the overseers of the poor of the said townships, requiring them forthwith to bring the poor of their respective townships, to the said house of employment, which order the said overseers are hereby enjoined and required to comply with, or otherwise to forfeit the cost of all future maintenance ; except in cases where by sickness or other sufficient cause, any poor person cannot be removed, in which case the said overseers shall represent the same to one of the justices of the peace, who being satisfied of the truth thereof, shall certify the same to the said directors, and at the same time issue an order under his hand and seal to the said overseers, directing them to maintain such poor until such time as he or she shall be in a situation to be removed, and then to convey the said pauper, and deliver him or her to the steward or keeper of the said house of employment, together with the said order, and the charge and expense of such temporary relief and of such removal, shall be paid by the said directors at a reasonable allowance.

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SECT. XI. *And be it further enacted by the authority aforesaid,* That the said directors shall from time to time receive, provide for, and employ according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief or shall have gained a legal settlement in the said townships, as shall be sent there by an order or warrant for that purpose, under the hands and seals of any two justices of the peace, directed to any constable of the said townships, or to the overseers of the poor of the proper township, in any county in this commonwealth, and to the said directors of the poor and of the house of employment; and the said directors are hereby authorized when they shall deem it proper and convenient so to do, to permit any poor person or persons to be maintained elsewhere.

The directors required to receive, provide for, and employ the poor, &c.

SECT. XII. *And be it further enacted by the authority aforesaid,* That the said directors or any five of them, who shall be a quorum in all cases to do business, shall have full power to make and ordain all such by-laws, rules and regulations as they shall think proper, convenient and necessary for the direction, government and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and of, or respecting all such persons as shall come under their care or cognizance: *Provided,* The same be not repugnant to this law or any other of the laws of this state or of the United States.

Directors empowered to make by-laws, &c.

Proviso.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the said directors or a quorum of them, shall, and they are hereby enjoined and required to meet at the said house of employment at least once in every three months, and a committee of four of their number, once every month, and oftener if necessary, and visit the apartments and see that the poor are comfortably supported, provided for, and attended to, and hear all complaints and redress or cause to be redressed, all grievances which may happen by the neglect or misconduct of any person or persons in their employment or otherwise.

The directors to visit the house of employment monthly, &c.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That in case of any vacancy, by death, resignation, removal, neglect, refusal or otherwise of any of the said directors, the remaining directors shall fill such vacancy by appointing a citizen and inhabitant of the particular township in which such vacancy happened, under the same penalty as is provided for in the fifth section of this act, to serve until the next annual appointment, when another director shall be nominated and appointed in manner aforesaid, to serve for the period which such director was to have served if no such vacancy had happened.

How vacancies in the direction are to be supplied.

SECT. XV. *And be it further enacted by the authority aforesaid,* That all the monies which shall be remaining in the hands of the overseers of the poor of the said townships, at the time when the poor shall be removed to the house of employment as aforesaid, shall be paid over by the said overseers to the supervisors of the highways of their respective townships, to be by them applied towards repairing the roads therein; and the office of overseer of the poor within the said townships shall from thenceforth be abolished.

How and when monies remaining in the hands of the overseers of the poor are to be disposed of, and the office abolished.

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Repealing
clause.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That so much of the laws of this commonwealth relating to the poor, as is by this act altered or supplied, be, and the same is hereby repealed.

Certain powers and duties heretofore conferred and imposed on the overseers of the poor, transferred to the supervisors of the highways, within said townships.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That the powers conferred and the duties imposed on the overseers of the poor, in and by an act to empower the overseers and guardians of the poor of the several townships within this commonwealth, to recover certain fines, penalties and forfeitures, and for other purposes, are hereby conferred and imposed on the supervisors of the highways within the said townships, and that the justices of the peace and sheriff of the county are hereby required and enjoined to pay to the said supervisors, to be by them applied to the repair of the highways the aforesaid fines, penalties and forfeitures, within the time and in the manner prescribed by the said act, for the payment thereof to the overseers of the poor, and to give notice of the receipt thereof to the said supervisors within the time and in the manner aforesaid, and that for any neglect or refusal to perform any of the duties enjoined on them by the said act, the said justices of the peace and sheriff shall be subject to all the fines, penalties and forfeitures, to which the justices of the peace and sheriffs in other parts of the county are by the said act subject and liable.

Passed 11th April, 1807.—Recorded in Law Book No. XI. page 101.

CHAPTER MMDCCCLIII.

[See vol. 3,
pa. 82.]

An ACT to render perpetual a certain act respecting the Philadelphia and Lancaster turnpike road.

The act referred to,
rendered
perpetual.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the act, entitled "A further supplement to the act, entitled "An act for making an artificial road from the city of Philadelphia, to the borough of Lancaster, for the more effectual preventing evasions of the salutary regulations intended in and by the act for making an artificial road from the city of Philadelphia, to the borough of Lancaster," passed on the fourth day of April, in the year of our Lord, one thousand seven hundred and ninety-eight, be, and the same hereby is, except so much thereof as limits its continuance to the term of two years, rendered perpetual.

Commutation of the penalty allowed, for offending against the thirteenth section of the principal act.

SECT. II. *And be it further enacted by the authority aforesaid,* That instead of the power and authority given and allowed to the president, managers and company of the Philadelphia and Lancaster turnpike road, in and by the thirteenth section of the act, entitled "An act to enable the governor of this commonwealth, to incorporate a company for making an artificial road from the city of Philadelphia, to the borough of Lancaster," to seize and take by any of their officers and servants, one of the horses attached to any waggon or other carriage which shall be drawn along the said road contrary

to the provisions and intentions of the said section, any person or persons offending against the said section, or transgressing against the provisions and restrictions therein imposed, shall forfeit and pay to the president, managers and company aforesaid, for every offence, the sum of ten dollars, to be recovered as other penalties are directed to be recovered in the said recited act, or by distress and sale according to law, in case of neglect or refusal forthwith to pay the said penalty; and the power and authority to take and seize a horse as is provided and directed in and by the said thirteenth section, is hereby annulled and made void: *Provided nevertheless*, That no part of this act shall have any force or effect until the said president, managers and company shall in writing under their corporate seal, to be deposited in the office of the secretary of this commonwealth, declare their consent and agreement hereto; and as soon as the said company shall so consent and agree, the governor shall declare this act to have full operation and effect.

1807.

When this act is to have effect.

[The condition having been complied with, this act is in force.]

Passed 11th April, 1807.—Recorded in Law Book No. XI. page 106.

CHAPTER MMDCCCLV.

An ACT directing the distribution of the Journals printed in the English language, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That the secretary of the commonwealth is hereby authorized and required to distribute the journals printed in the English language in the following manner; thirty copies of the journal of each house to the clerk of the senate, for the use of the senate, and the members thereof; one hundred of each to the clerk of the house of representatives, for the use of the house and the members thereof respectively; to the governor, the secretary of the commonwealth, to the secretary of the land-office, surveyor-general, receiver-general, comptroller-general, register-general, state treasurer, and master of the rolls, to each one copy of the journal of each house respectively; and shall distribute the residue to the commissioners of the several counties, in the following manner, *to wit*: for the city and county of Philadelphia, sixty-five copies of the journals of each house; for Bucks forty-one, Chester forty-nine, Lancaster forty-one, York thirty-one, Cumberland thirty-three, Berks twenty-six, Northampton twenty-six, Bedford twenty-six, Northumberland thirty-three, Westmoreland twenty-six, Fayette twenty-six, Franklin twenty-six, Montgomery forty-one, Dauphin twenty-six, Luzerne twenty-six, Huntingdon twenty-six, Washington thirty, Allegheny twenty-one, Mifflin twenty-one, Delaware thirty, Lycoming nineteen, Somerset nineteen, Greene sixteen, Wayne thirteen, Adams twenty, Centre seventeen, Beaver sixteen, Butler sixteen, Mercer sixteen, Crawford sixteen, Erie sixteen, Warren eleven, Venango thirteen, Armstrong thirteen, Indiana thirteen, and Cambria eleven copies of each; for to

How the English journals are to be distributed.

1807. be distributed by the said county commissioners respectively, in the following manner; to the several constables of the proper county to be left by them at the house where township elections are annually held, for the use of the electors, and the remainder shall be distributed among the supervisors of the highways, and to such other persons throughout the county as they shall conceive will use the same for the information of the people.

Part of a former law repealed.

SECT. II. *And be it further enacted by the authority aforesaid,* That so much of the act, entitled "An act to provide for the distribution of the laws and journals of the general assembly of this commonwealth;" passed the sixth day of April, one thousand eight hundred and two, as relates to the distributing the journals, be, and the same is hereby repealed.

Now certain extra copies of the laws are to be distributed.

SECT. III. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the secretary of the commonwealth, to distribute the extra copies of the laws now in his office, passed in the sessions of one thousand eight hundred and three, and one thousand eight hundred and four, and yearly thereafter, to the commissioners of the different counties, in the same manner and in the same proportions that this act directs the journals to be distributed; and it shall be the duty of the commissioners of each county, to deliver one copy of the laws of each session of the legislature, to the supervisors in each township for their use, and to be delivered over by them to their successors in office.

Passed 11th April, 1807.—Recorded in Law Book No. XI. page 107.

CHAPTER MMDCCLVI.

An ACT for the further establishment and regulation of election districts.

Kittanning township, Armstrong county, made an election district, &c.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the township of Kittanning, in the county of Armstrong, be, and the same is hereby erected into a separate election district, and the electors thereof shall hereafter hold their general elections at the commissioners' office, in the town of Kittanning, in the county aforesaid.

Township of Buffaloe, Armstrong county, to be a district, &c.

SECT. II. *And be it further enacted by the authority aforesaid,* That the township of Buffaloe, in the county of Armstrong, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Jacob Young, in said township.

Sugar Creek township and place of elections.

SECT. III. *And be it further enacted by the authority aforesaid,* That the township of Sugar Creek, in the county of Armstrong, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Jost Weiles, in said township.

Toby township, and place of elections.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the township of Toby, in the county of Armstrong, be, and the

same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Thomas M'Kibbins, in said township.

1807.

Allegheny township, and place of elections.

SECT. V. *And be it further enacted by the authority aforesaid,* That the township of Allegheny, in the county of Armstrong, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Solomon Shoemaker, in said township.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the township of Red Bank, in the county of Armstrong, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Samuel C. Orr, in said township, any law or laws to the contrary notwithstanding.

Red Bank township, and place of elections.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the electors in the Slippery Rock election district, in Beaver county, who have heretofore held their general elections at the house of Ananias Allen, shall hereafter hold the same at the house now occupied by Jonas Kelly, in said district.

The place of holding elections in Slippery Rock township, Beaver county, changed.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That Providence township, in Bedford county, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house formerly occupied by Michael Barndollar, on the east side of Bloody Run, in said township.

Providence township, Bedford county, made a district, &c.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the township of Dublin, in the county of Bedford, shall be a separate election district, and the electors thereof shall hold their general elections at the house of George Dansdell, in said township.

Dublin township, and place of elections.

SECT. X. *And be it further enacted by the authority aforesaid,* That the township of Bethel, in the county of Bedford, shall be a separate election district, and the electors thereof shall hold their general elections in Warfordsburg, at the house of James Parsons, in said township.

Bethel township, and place of elections.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the electors of the remaining parts of the townships of Butler and Centre, in the county of Butler, which are at present precluded from any other place, shall hereafter be annexed to their respective townships, and hold their general elections in the town of Butler, any law to the contrary notwithstanding.

Place of elections for the electors of parts of Butler and Centre townships, in the county of Butler.

SECT. XII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, that part of Cambria county, beginning at the line between the counties of Huntingdon and Cambria, on the summit of the Allegheny mountain, at Blair's Gap, thence along the state road to the town of Munster, thence along the road known by the name of Galbreath's road, to the house of Henry Reugle, on the head waters of Salt-lick run, thence down said run, to the mouth, thence a direct line to the summit of the Allegheny mountain, where the Bedford road crosses the same, thence along the county line to the place of beginning, shall be an

A certain part of Cambria county made an election district, and place of elections.

1807. election district; and the electors thereof shall hold their general elections at the house now occupied by John Branniff.

A certain part of Dauphin county to be a district, and place of elections.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That all that part of West Hanover township, in the county of Dauphin, that lies south of the road leading from the fording place at Beaver creek, past William Allen's, to Early's mill, on Bow creek, from thence to Dixon's road, where it intersects the forge road, thence to Dixon's fording on Swatara creek, be, and is hereby re-annexed to the second election district, and the electors of the said district shall hold their general elections at the house now occupied by Jacob Greenawalt, in Hummelstown; any former law or laws to the contrary notwithstanding.

East Hanover township, in Dauphin county. Place of elections.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That the township of East Hanover, in the county of Dauphin, shall be formed into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by John Harper, in the said township, any law to the contrary notwithstanding.

Election districts for Erie county.

SECT. XV. *And be it further enacted by the authority aforesaid,* That the county of Erie shall be divided into election districts, as follows: viz. The borough of Erie and the township of Mill creek, shall compose district number one, and the electors thereof shall hold their general elections at the house now occupied as a court-house, in the said borough, until a court-house shall be erected, after which they shall be holden therein; the townships of Coniatue and McKean, shall compose district number two, and the electors thereof shall hold their general elections at the house now occupied by James McGinnis, in said townships; the township of Fairview, shall compose district number three, and the electors thereof shall hold their general elections at the house now occupied by William Sturgeon, in said township; the township of Springfield, shall compose district number four, and the electors thereof shall hold their general elections at the house now occupied by William Porter, in said township; the townships of Connat and Elk creek, shall compose district number five, and the electors thereof shall hold their general elections at the house now occupied by Joshua Randel, in the town of Lexington; the townships of Le Bœuff and Waterford, shall compose district number six, and the electors thereof shall hold their general elections at the house now occupied by Jonas Clark, in the town of Waterford; the townships of Beaver dam and Harbour creek, shall compose district number seven, and the electors thereof shall hold their general elections at the house now occupied by Thomas Morton, in the township last mentioned; the township of Northeast, shall compose district number eight, and the electors thereof shall hold their general elections at the house now occupied by Andrew Lowry, in the said township; the townships of Greenfield and Venango, shall compose district number nine, and the electors thereof shall hold their general elections at the house now occupied by Philo Barker, in the Station; the townships of Broken Straw and Union, shall compose district number ten, and the electors thereof shall hold their general elections at the house now occupied by John Taylor.

SECT. XVI. *And be it further enacted by the authority aforesaid,* 1807.
That from and after the passing of this act, the electors of the sixth election district composed of the township of Saldick, in the county of Fayette, shall hold their general elections at the house now occupied by Benjamin Davis, near Indian creek, in said township, any law to the contrary notwithstanding.

Place of elections for the sixth election district in Fayette county.

SECT. XVII. *And be it further enacted by the authority aforesaid,*
That from and after the passing of this act the township of Southampton, in the county of Franklin, shall be, and the same is hereby erected into a separate election district, to be called Southampton district, and the electors thereof shall hold their elections at the house now occupied by William Scott, esquire, in said township.

The township of Southampton in Franklin county made a district, and place of elections.

SECT. XVIII. *And be it further enacted by the authority aforesaid,*
That the following bounds in the county of Huntingdon, be, and the same is hereby erected into a separate election district, to be called the tenth district; viz. Beginning at the mouth of Fox tavern run in Morris township, thence up said run to the summit of Conoe mountain, the line dividing Morris and Tyrone townships, thence along said line to the little Juniata river, thence down said river to the corner of Franklin and West townships, thence along the line dividing said townships opposite to the head of Nelson's run, thence down said run to the mouth thereof, thence up Shaver's to where the road crosses, leading from M'Cormack's mill to Huntingdon, thence along said road to the line of Huntingdon township, thence along the line dividing the townships of Huntingdon and West, and to continue a southerly course across the Juniata, so as to include all the west side of the Warrior ridge in Huntingdon township to the road laid out from Huntingdon to Williamsburg, thence along said road to the line dividing Huntingdon and Woodberry townships, thence along said line to the line dividing the townships of Woodberry and Morris, thence along said line to the beginning: And the electors thereof shall hold their elections at the house of Lazarus Brown M'Clean, in the town of Alexandria, any law or custom to the contrary notwithstanding.

A new election district erected in Huntingdon county and place of elections.

SECT. XIX. *And be it further enacted by the authority aforesaid,*
That the townships of Armstrong, Washington and Centre, in the county of Indiana, be, and the same are hereby erected into a separate election district, and the electors of the townships aforesaid, shall hold their general elections at the house now occupied by Peter Suttin, in the town of Indiana, or at such other house in said town as the commissioners of said county shall direct.

A separate district erected in Indiana county.

SECT. XX. *And be it further enacted by the authority aforesaid,*
That the township of Black-lick, in the county of Indiana, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Patrick M'Gee, in said township.

Black-lick township, in ditto, made a district, &c.

SECT. XXI. *And be it further enacted by the authority aforesaid,*
That the township of Conemaugh, in the county of Indiana, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by John Marshall, in said township.

Conemaugh township to be a district, &c.

1807.

Mahoning township, to be a district, &c.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That the township of Mahoning, in the county of Indiana, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by James Bready, senr. in said township, any law or laws to the contrary notwithstanding.

Martock township, in Lancaster county, made a district.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That the township of Martock, in the county of Lancaster, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house of George Hess, now occupied by Tempest Willson, in the said township, to be called the twelfth district, any law to the contrary notwithstanding.

Place of elections in, and annexation to, the third election district, in Lancaster county.

SECT. XXIV. *And be it further enacted by the authority aforesaid,* That the electors of the township of Mountjoy being the third district, in the county of Lancaster, shall hereafter hold their general elections at the house of Alexander Boggs, in the village of Elizabethtown, and that part of Donegal township adjoining the line of Dauphin county, and separated from the lower part of Donegal township, by a line beginning at the river Susquehanna, at the landing place late of Bartram Galbraith, deceased; and thence extending along the road leading to Elizabeth town, to the dwelling house of John Hurst, and including the same, thence along the road leading to the house of Frederick Gram, and along the same to the house of Michael Gross, and including the same, and thence along the said road until it intersects the Lancaster, Elizabeth town and Middle town turnpike road, near the house of Abraham Hearnley, be, and the same is hereby annexed to the said third district, and the electors thereof shall vote with the electors of Mountjoy township, at the village aforesaid, any law to the contrary notwithstanding.

Place of elections for the eleventh district.

SECT. XXV. *And be it further enacted by the authority aforesaid,* That the electors of the eleventh election district of Lancaster county, shall hereafter hold their general elections at the house of John Houston, in the village of Church town, now occupied by John Roberts, any law to the contrary notwithstanding.

New election districts for Luzerne county, Orwell township.

SECT. XXVI. *And be it further enacted by the authority aforesaid,* That the township of Orwell, in the county of Luzerne, shall form a separate election district, bounded as follows, *to wit:* Beginning at the fifty-second mile stone, on the north line of the state, thence south twelve miles and fifty-one chains and fifty links to a corner, thence east eleven miles to a Hemlock tree, with stones around it, marked for a corner, thence north twelve miles fifty-one chains and fifty links to the forty-first mile stone, and thence west on the line of the state eleven miles to the place of beginning, and the electors thereof shall hold their general elections at the house now occupied by Josiah Grant, any law to the contrary notwithstanding.

Clifford township.

SECT. XXVII. *And be it further enacted by the authority aforesaid,* That the township of Clifford, in the county of Luzerne, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now

occupied by Asahel Gregory, any law to the contrary notwithstanding.

1807.

SECT. XXVIII. *And be it further enacted by the authority aforesaid,* That the electors of the third election district in the county of Lycoming, shall hereafter hold their general elections at the house now occupied by James Shearer, innkeeper, in Jersey shore village.

Place of elections for the third district, Lycoming county.

SECT. XXIX. *And be it further enacted by the authority aforesaid,* That the township of Delmar, in the county of Lycoming, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Joshua Emlen, in Wellsborough.

Delmar township in said county, to be a new district.

SECT. XXX. *And be it further enacted by the authority aforesaid,* That the electors of the fifth election district, of Mifflin county, shall hereafter hold their general elections at the house now occupied by George Galbraith, innkeeper, in the town of Waynesburg; any law to the contrary notwithstanding.

Place of election in the fifth district, Mifflin county.

SECT. XXXI. *And be it further enacted by the authority aforesaid,* That the sixth election district, of the county of Montgomery, shall be composed of the township of Pottsgrove, lately erected from a part of New Hanover and a part of Douglass township, in said county, and the electors thereof shall hold their general elections as heretofore, at the house of William Leshner, in Potts town; and the electors of the remainder of the townships of Douglass and New Hanover shall hold their elections at the house of Henry Kreps, in New Hanover township aforesaid.

Sixth district, Montgomery county, &c.

SECT. XXXII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the electors of the remaining part of Allen township, in the county of Northampton, which now hold their general elections at the house of Adam Shoenner, in Hanover township, shall hold their general elections at the house now occupied by Abraham Mensh, in Allen township, in said county; any law to the contrary notwithstanding.

Place of election for a part of Allen township, Northampton county.

SECT. XXXIII. *And be it further enacted by the authority aforesaid,* That the township of Upper Mahonoy in the county of Northumberland, shall form an election district, and the electors thereof shall hold their general elections at the house of Leonard Reitz, in said township.

Upper Mahonoy in Northumberland county, to be a district.

SECT. XXXIV. *And be it further enacted by the authority aforesaid,* That the place of holding the general elections in the township of Mahonoy, in the county of Northumberland, shall be changed from the house of William Dobson to the house of Michael Emrick, deceased; and that the general elections in the eighteenth district in said county, be in future holden in the house wherein William Dale now lives.

Place of elections for Mahonoy township.

SECT. XXXV. *And be it further enacted by the authority aforesaid,* That the township of Roxborough, in the county of Philadelphia, shall be, and is hereby erected into a separate election district, and the qualified electors residing therein, shall meet and hold their general elections at the Roxborough school-house, in the township aforesaid.

Roxborough township, Philadelphia county, made a separate election district.

SECT. XXXVI. *And be it further enacted by the authority aforesaid,* That the electors of that part of Irwin township, in the county of

A new place of election established

1807. Venango, who have hitherto held their general elections at the house formerly occupied by John Andrews, in the town of Franklin, be, and they are hereby authorized to, and shall hold their general elections at the building in which the courts of justice are now held, or hereafter shall be held for said county.

in Irwin township, Venango county.
For Fawn township, York county. SECT. XXXVII. *And be it further enacted by the authority aforesaid,* That the electors of Fawn township called the tenth election district, in the county of York, shall hereafter hold their general elections at the house now occupied by Robert Ramsey, inn-keeper, in said district.

Part of the third annexed to the first district in said county.
 SECT. XXXVIII. *And be it further enacted by the authority aforesaid,* That the electors within the third election district, in the county of York, residing south of the Great Conewago creek, be, and they are hereby annexed to the first election district, to be held at the court-house, in the borough of York.

A new election district erected in Crawford county.
 SECT. XXXIX. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the township of Sadsbury, in the county of Crawford, shall be an election district, and the electors thereof shall hold their general elections at the house now occupied by James Mount, in said township.

Election districts in Mercer county, Mahoning township.
 SECT. XL. *And be it further enacted by the authority aforesaid,* That the township of Mahoning, in the county of Mercer, shall be, and is hereby erected into a separate election district, and the citizens thereof, shall meet and hold their general elections at the house now occupied by George Allison in said county; any law to the contrary notwithstanding.

Neshanock township.
 SECT. XLI. *And be it further enacted by the authority aforesaid,* That the township of Neshanock, in the county of Mercer, shall be, and hereby is erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Beven Pearson, in said township; any law to the contrary notwithstanding.

Shenango township.
 SECT. XLII. *And be it further enacted by the authority aforesaid,* That the township of Shenango, in the county of Mercer, shall be erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by William Jewell, in said township; any law to the contrary notwithstanding.

The seventh election district erected in Centre county.
 SECT. XLIII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the township of Centre, in Centre county, be, and the same is hereby declared to be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Thomas Spencer, in said township, to be called the seventh election district; any law to the contrary notwithstanding.

CHAPTER MMDCCCLVII.

1807.

An ACT making appropriations for certain roads therein mentioned, and also for improving the navigation of certain rivers. (u)

SECT. III. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* nine thousand dollars, be, and the same are hereby appropriated out of the money from the estate of John Nicholson, deceased, for improving the navigation of the river Schuylkill, from the falls thereof to the mouth of little Schuylkill; six hundred dollars for improving the navigation of little Schuylkill, from Haa's mill to Locust creek; and four hundred dollars for improving the navigation of that branch known by the name of Big Schuylkill, from Morris's iron works, to Jacob Stahl's mill; and the governor is hereby directed as soon as the money shall have been paid into the state treasury, out of the money from the estate of John Nicholson, to draw his warrant on the state treasurer in favour of the commissioners herein after named, for the sums appropriated by this section: And that Peter Richards, Joseph Heister, and Robert Kennedy, be, and they are hereby appointed commissioners to contract for and superintend the improvements aforesaid, and when the said money shall have been expended, they shall make report of their proceedings to the Courts of Common Pleas for the counties of Montgomery and Berks; and the court of Montgomery shall appoint two viewers, and the court of Berks shall appoint one, who shall unite and examine whether the said money has been properly expended, and if in their opinion the same has been illegally disposed of, the said courts shall direct suits to be instituted for the recovery of so much as has been improperly expended; and the said commissioners or either of them shall not be concerned either directly or indirectly in their private capacity, in any contract made under this section.

Appropriation for improving the navigation of the Schuylkill.

Commissioners appointed to superintend the improvements.

Who shall report their proceedings to the courts of Montgomery and Berks, &c.

SECT. IV. *And be it further enacted by the authority aforesaid, That* the further sum of five thousand seven hundred dollars of the monies due to this state from the estate of John Nicholson, deceased, prior appropriations in this act being first satisfied, be, and the same is hereby appropriated for the following purposes; viz. one thousand five hundred dollars for improving the navigation of the Susquehanna, from Columbia to Middletown; one thousand five hundred dollars for improving the navigation of said river from Middletown to the mouth of Juniata; five hundred dollars to improve the navigation of the Juniata, from its mouth to the mouth of Kishicoquillis; twelve hundred dollars for improving the state road from Beula to Pittsburgh; and one thousand dollars for improving the navigation of the Bald-Eagle creek, from its mouth to the town of Milesburgh in Centre county.

A further appropriation of five thousand seven hundred dollars for certain purposes. Specification.

SECT. V. *And be it further enacted by the authority aforesaid, That* when the monies due from the estate of the said John Nichol-

Special appropriations for improv-

(u) Sections one, two, six and seven of this act are obsolete, the monies appropriated for the improvement of the roads therein specified, having been paid out of the treasury. (Note to former edition.)

1807.
ing certain
parts of the
Susquehanna
river.

Specifica-
tion.
Similar ap-
propriations,
for improv-
ing the Juni-
ata.

For improv-
ing the state
road from
Beula to
Pittsburgh.

And for im-
proving cer-
tain parts of
Bald Eagle
creek, in
Centre coun-
ty.

How the
aforesaid
monies are
to be laid
out and ac-
counted for.

son, to this commonwealth, or so much thereof, after prior appro-
priations are satisfied, as is by this act appropriated, shall have been
paid into the state treasury, the governor may, and he is hereby au-
thorized to draw his warrant on the state treasurer for one thousand
five hundred dollars, in favour of John Haldiman, Thomas Boude
and Alexander Boggs, for improving the navigation of Susquehanna,
from Columbia to Middletown; a similar warrant in favour of
James Hamilton, Thomas Stubbs and Reuben Lockart, for improv-
ing said river from Middletown to the mouth of Juniata; a similar
warrant for five hundred dollars in favour of George McClelland,
John Callespie and John Brown, for improving the navigation of
the river Juniata, from its mouth to the mouth of Kishecoquillis;
similar warrants, as follows, *to wit*: for four hundred dollars, in
favour of the commissioners of Cambria county; for five hundred
dollars, in favour of the commissioners of Indiana county; and for
three hundred dollars, in favour of the commissioners of Westmore-
land county, to be expended in their respective counties for improv-
ing the state road from Beula to Pittsburgh; and a similar warrant
for one thousand dollars in favour of James Smith, John Dunlop
and Rowland Curtin, for improving the navigation of Bald-Eagle
creek, from its mouth to Milesburg in Centre county; and the per-
sons in whose favour the aforesaid warrants shall be drawn, are
hereby authorized to lay out the monies by them respectively drawn,
in improving the navigation of the several streams and roads, for
the improvement whereof, the sums aforesaid have been appropri-
ated; and the accounts of the said persons respectively, shall be
settled annually, by the auditors of the proper county; and no mo-
ney shall be paid until the said persons respectively, shall enter into
bonds and surety to the governor, faithfully to appropriate and ac-
count for the said monies.

Passed 11th April, 1807.—Recorded in Law Book No. XI. page 115.

CHAPTER MMDCCLIX.

[See vol. 3,
pa. 354, chap.
2012. But the
title is mis-
recited in
this act.]

The powers
and jurisdic-
tion of justic-
es of the
peace and al-
dermen ex-
tended in
certain cases.

An ACT extending the powers of the justices of the peace and aldermen in certain cases.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the power and jurisdiction of the justices of the peace and aldermen within this commonwealth, be, and hereby are extended to the sum of fifty dollars, subject to all the provisions, rules, regulations and restrictions contained in an act, entitled "An act to extend the powers of the justices of the peace of this state," passed March the first, one thousand seven hundred and ninety-nine. (x)*

Recorded in Law Book No. XI. page 119.

(x) This act was presented to the governor on Wednesday, the first day of April, one thousand eight hundred and seven, and was not returned by him

within ten days (Sundays excepted,) and therefore agreeably to the constitution, became a law, April 13th, 1807.
(Note to former edition.)

CHAPTER MMDCCCLXI.

1807.

An ACT making appropriations, and for other purposes.

SECT. II. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the state treasurer is hereby authorized, when he shall deem it necessary, to employ a watchman to guard the treasury of this commonwealth; and the sum of one hundred and sixty dollars is hereby appropriated for that purpose.

State-treasurer to employ a watchman.

SECT. IV. *And be it further enacted by the authority aforesaid, That* no extra allowance beyond the stated salary shall be allowed to the secretary of the commonwealth, for making indexes, and marginal notes to the laws of each session. [The residue of this act is obsolete.]

No compensation to secretary for index, &c. to laws.

Passed 13th April, 1807.—Recorded in Law Book No. XI. page 121.

CHAPTER MMDCCCLXII.

An ACT regulating township elections.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, it shall be lawful for a majority of the qualified electors present at any meeting, held at the usual place for electing assessors or inspectors or other township officers, to change the place of holding said elections, to any suitable or convenient house best adapted for the convenience of the inhabitants of the respective townships.

How the places of holding township elections may be changed.

Passed 13th April, 1807.—Recorded in Law Book No. XI. page 122.

CHAPTER MMDCCCLXIII.

An ACT directing the mode of settling accounts in the land-office, and to prevent frauds in obtaining warrants for land,

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* it shall be the duty of the receiver-general of the land-office, on the settlement of any account for monies due on lands within the purchases made of the Indians, in and prior to the year one thousand seven hundred and sixty-eight, to ascertain the amount of principal and interest due at the time of passing this act upon such account, and upon the aggregate amount so found due, it shall be his duty to charge interest, until the amount of the account is discharged: *Provided*, That any person paying to the said receiver-general the amount of money due from him or her on or before the first day of

[See vol. 2. pa. 231-2, (in note) for the whole view of the subject of this act. See also an act passed 30th March, 1811.]

Interest to be charged on the principal and interest now due for lands within the purchases made of the Indians, prior to 1768. Proviso in favour of those paying before the 1st

1807. *March, one thousand eight hundred and eight, or otherwise, before the said day, complying with the provisions of the act, entitled "An act to encourage the patenting lands, and for other purposes," passed the fourth day of April, Anno Domini one thousand eight hundred and five, shall be charged interest only upon the principal sum due up to the time of such payment, or of executing a mortgage agreeably to the directions of the said act.*

of March,
1808, &c.

And whereas it is the interest, as well as the duty of the legislature, to prevent frauds and impositions that may arise in taking out new warrants for lands upon which old warrants have been laid, or which have been acquired by any other office-right: Therefore,

Proceedings
on obtaining
warrants for
land and
within said
purchases.

SECT. II. *And be it further enacted by the authority aforesaid, That before any warrant issues from the land-office for any land within the said purchases, the person for whose use and in whose name such warrant is applied for, shall declare upon oath or affirmation, in addition to the usual proof required by the officers of the land-office to be taken and subscribed before some one of the judges of the Court of Common Pleas, or justice of the peace of the county in which such lands lie, or before the secretary of the land-office, that according to the best knowledge and belief of the deponent, no warrant or other office-right had issued for such land in the name of such deponent or of any person or persons under whom he claims, and if at any time thereafter it should appear that the persons deposing as aforesaid, or any of them, shall knowingly have sworn falsely, such person or persons shall suffer all the pains and penalties of perjury.*

Passed 13th April, 1807.—Recorded in Law Book No. XI, page 122.

[See notes to chap. 56, vol. 1, pa. 13. This act is extended to the counties of Montgomery and York, by act of 20th March, 1810.]

A town clerk to be chosen for each township, in certain enumerated counties.

Penalty for not serving, &c.

CHAPTER MMDCCCLXV.

An ACT concerning strays.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the inhabitants of the respective townships in the counties of Philadelphia, Bucks, Chester, Lancaster, Northampton, Wayne and Delaware, who are qualified electors, when they meet at the usual time and place for electing supervisors of the highways, also to elect in the same manner, some fit person for a town clerk; and the judges of the election shall certify the same to the Court of Quarter Sessions, the clerk of which shall make record thereof, as records of the election for constables usually are made; and if such person so elected, shall neglect or refuse to serve as town clerk or to perform any or all the duties hereinafter enjoined upon him, he shall forfeit and pay the sum of ten dollars to be paid into the county treasury and applied as other county monies usually are: Whereupon the Court of Quarter Sessions shall appoint some other fit person to fill his place; and it shall be the duty of such clerk, so appointed or elected and consenting to serve, immediately thereafter at the expense of their respective town-*

ships, to provide a book or books as often as the same shall be necessary, for the purposes hereinafter mentioned, to be kept at or as near as conveniently may be to the place of holding township elections, the price of which shall be paid out of the monies raised for the purpose of repairing the roads.

1807.

SECT. II. *And be it further enacted by the authority aforesaid,* That if any person shall discover upon his, her or their improved and inclosed lands, any stray cattle, horse or sheep, it shall and may be lawful for such person or persons to take up the same; and it shall be the duty of such person or persons to give notice thereof to the owner of such stray, if he or she can be readily found, but if otherwise, such person as aforesaid, shall within four days deliver to the town clerk aforesaid, a particular description of the color and marks, natural or artificial, of such stray or strays, in writing or other satisfactory way; and for every neglect or refusal to do the same, he or she shall forfeit and pay the sum of five dollars, to be recovered as debts of a similar amount are by law recoverable; and it shall be the duty of the town clerk, subject to like penalty for neglect or refusal to make an entry of the same in the book aforesaid, for which entry so made, the said clerk shall receive for each head of horse kind, fifty cents; and for each head of cattle, twenty-five cents; for every sheep, six cents; to be paid by the person delivering such notice aforesaid; and such person may detain such stray or strays, until the owner thereof shall reimburse him or her the expense of such entry, and also pay all reasonable charges of publishing such notice, which shall not exceed the sum of six cents per mile, to be estimated from the residence of the person taking up such stray or strays, to the place of keeping the book aforesaid, and also all reasonable expense for keeping such stray or strays, as well as the damage which may have been done by the same.

Strays found within inclosed lands to be taken up.

Notice thereof to be given to the owner, if to be found. Otherwise a description thereof to be delivered to the town clerk. Penalty for neglecting to do so.

Entry of such stray to be made by the town clerk in his book.

His compensation.

Such stray to be detained until the owner reimburse all reasonable charges.

SECT. III. *And be it further enacted by the authority aforesaid,* That if the owner of any such stray or strays taken up as aforesaid, shall appear and neglect or refuse to make or tender a reasonable satisfaction to the party injured, for the damages sustained by such trespass, and for the cost of keeping such stray, or if such person or persons detaining such stray, shall not accept the said satisfaction, it shall be lawful for either of the parties aforesaid, to complain to any justice of the peace of the proper township or county where such stray shall be taken up as aforesaid, who shall upon such complaint and application issue his warrant directed to three disinterested and honest freeholders of the neighbourhood, commanding and enjoining them forthwith to view the trespass, to value and appraise the same, having due regard to the sufficiency of the fence of such enclosure, with the expense and cost of keeping the said stray or strays, to make report thereof to him the said justice with all convenient speed; which said valuation and appraisement and return, they, the said freeholders are hereby enjoined and required to make accordingly; and if the said valuation and appraisement shall not amount to more than the sum of money tendered to the party injured, as a recompense for the damage done as aforesaid, before such complaint made, then the said justice shall give judgment for the same only, to the party refusing such tender, and

Proceedings in case the owner of the stray appear and refuse to make satisfaction for the damages sustained.

1807. award reasonable costs; but if the said valuation shall amount to more than the sum tendered, or if no such tender be made, then and in that case the said justice shall award and give judgment for the valuation aforesaid, to the parties injured, with reasonable costs for keeping the stray aforesaid, (to be estimated from the time of giving notice as aforesaid,) against the other party, and shall award execution upon every such judgment, with costs of suit accordingly: *Provided*, That the said valuation and appraisement come within the jurisdiction of the said justice, but if not, then the said damage shall be recovered as debts of an equal amount are by law recoverable: *And provided always*, That if no owner for any such stray shall have been found, within thirty days after the same shall have been taken up, then, and in that case, the person taking up the same, shall not be entitled to receive any compensation for the damages done by the same, unless he shall within six days thereafter, have given notice to three disinterested freeholders to value and ascertain the amount of the same, which they are hereby authorized and required to do forthwith, and to make report thereof on oath or affirmation, to any justice of the peace residing in the proper township, who shall, when the owner of such stray shall be found, upon his or her neglect or refusal to pay the same, give judgment and award execution with costs as aforesaid: *And provided also*, That if the amount of the said appraisement and valuation, be not within the jurisdiction of a justice of the peace, the said damage may be sued for before any court of competent jurisdiction, and in all cases before a justice the defendant or plaintiff shall have like benefit of stay of execution or appeal, as is given under the existing laws relating to justices of the peace.

And in case the owner be not found within thirty days after the stray shall have been taken up.

In what cases strays may be sold to defray the costs of keeping, &c. and proceedings previous to such sale.

SECT. IV. *And be it further enacted by the authority aforesaid*, That if no owner shall appear, within thirty days after any such stray shall have been taken up, it shall be the duty of the person taking up the same, to cause an advertisement, particularly describing such stray, to be published at least in one newspaper in the proper county, if any there be, but if otherwise, to publish the same, by written or printed advertisements, which shall be put up at six or more public places in the county; and if no owner shall appear and make out his or her property in the said stray or strays, within ninety days after the publication of such advertisements as aforesaid, the person taking up the same, shall make application to any justice of the peace in the said township, who is hereby authorized and required to issue his warrant to any constable within the township as aforesaid, and cause him to expose the said stray or strays to public sale, first giving at least ten days notice in three or more public places in the said township, and after he shall have sold the same, he shall make a return thereof to the said justice, who shall, after the payment of all reasonable charges and damages, and cost of keeping as aforesaid, pay over the surplus, if any there be, of such sale, to the county treasurer: but if the owner of such stray or strays shall appear within one year after such sale, and prove his, her, or their property, to such stray or strays, the said justice, or any other in the county, shall certify the same to the county treasurer, who shall pay to the said owner, the whole amount of such

How the surplus of the proceeds of sale is to be disposed of.

surplus aforesaid, but if no owner shall appear within the time limited as aforesaid, he or she shall be thereafter barred from all right to the same, and the money aforesaid, may be applied to such purposes as other monies in the treasury usually are.

1807.

SECT. V. *And be it further enacted by the authority aforesaid,* That if any person or persons, taking up any stray or strays, shall neglect to give notice as is herein before directed, he, she or they, so offending, shall forfeit all right and title to, or recovery of any sum or sums of money for any trespass committed by the same, but shall deliver up the said stray or strays so detained to the owner thereof, without any recompence, fee, or reward whatsoever.

Penalty on persons taking up strays and neglecting to give notice as aforesaid.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the books to be kept as aforesaid, by the respective town clerks of each township, shall be at all times kept open and free for any person or persons, who at any time may have occasion to search therein, for any such stray; and for which search, such clerk shall not ask or receive any fee or reward, under the penalty of three dollars, to be recovered by the party aggrieved, in manner aforesaid, with costs of suit.

The books of the respective town clerks to be at all times open for inspection.

SECT. VII. *And be it further enacted by the authority aforesaid,* That from and after the first day of March next, the act, entitled "An act for erecting pounds in each township in this province," and the act, entitled, "An act concerning cattle, horses and sheep trespassing within this province," be, and the same are severally hereby repealed, so far as they relate to the counties mentioned in this act, and this act shall then be in full force and operation.

Former acts repealed.

Passed 13th April, 1807.—Recorded in Law Book No. XI. page 124.

CHAPTER MMDCCCLXVII.

An ACT authorizing the Court of Quarter Sessions of the county of Westmoreland, to vacate that part of the state road that lies between Jones's mill in said county, and the line of Somerset county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the Court of Quarter Sessions in the county of Westmoreland, upon application to the said court, being made to grant an order and appoint fit persons to view that part of the state road that lies between Jones's mill and the line of Somerset county, on the Laurel hill, and also to view the new road opened and made by Thomas Jones and William Backhouse between the places aforesaid, and it shall be the duty of the said viewers to report to the said court which of the two roads or what part of either should in their opinion be vacated, and on confirmation by the court of said report, the other road shall be deemed and considered a state public highway, and shall be kept in repair as other roads are now kept in repair by the proper county or township.

Proceedings to be had previously to vacating the road.

Passed 13th April, 1807.—Recorded in Law Book No. XI. page 128.

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CHAPTER MMDCCCLXVIII.

[Ante. chap.
2389.]

A further SUPPLEMENT to the act, entitled "An act to alter and amend the act, entitled "An act to regulate the general elections within this commonwealth."

WHEREAS in and by the act to which this is a further supplement, it is directed that the returns of elections of members of congress, members of senate, members of the house of representatives and of governor, shall be sent by mail to the secretary of the commonwealth, but the said law does not make provision for sending the returns of sheriff and coroner in the same manner, from which omission much inconvenience and expense results, for remedy whereof,

How returns
of sheriffs
and coroners
elect, are to
be made in
future.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the returns of sheriff and coroner shall be forwarded to the secretary of the commonwealth in the same manner as returns are directed to be sent by the sixth section of the act of the fourth of April one thousand eight hundred and three, entitled "An act to alter and amend the act, entitled, "An act to regulate the general elections within this commonwealth," any law, custom or usage to the contrary notwithstanding."*

Passed 13th April, 1807.—Recorded in Law Book No. XI. page 128.

CHAPTER MMDCCCLXXII.

[Original
act, ante.
chap. 2686,
pa. 26.
Made per-
petual 20th
March, 1810 ;
post.]
In what
cases the
writ of eject-
ment may
issue.

A SUPPLEMENT to an act, entitled "An act to regulate arbitrations and proceedings in courts of Justice."

Who may
join therein.

Of the de-
fendant.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the writ of ejectment prescribed in the act to which this is a supplement, shall issue in all cases where lands, tenements or hereditaments are claimed, and give remedy as fully and effectually as in ejectments in the form heretofore used ; and all parties having an undivided interest in any such lands, tenements and hereditaments, whether as joint tenants, copartners or tenants in common, may join therein, and recover according to their interest and title ; and minors may sue by their guardians as in other cases ; and the defendant may defend upon his own title or the title of third persons ; and the landlord may as heretofore be admitted as defendant, and in such case on the trial, shall admit himself in possession.*

Proceedings
where, on
service of the
writ of eject-
ment, it ap-
pear that
other per-
sons not
named in
the writ are

SECT. II. *And be it further enacted by the authority aforesaid, That where any writ of ejectment shall be issued, and on the service thereof it shall appear to the sheriff that other persons not named in the writ are in possession of the premises or part thereof, such sheriff shall add the name of such person or persons to such writ, and serve the same, and on return thereof, the prothonotary*

shall enter such additional defendants to the action, and they shall be parties thereto ; and in case of any of the defendants not appearing, on motion to the court, and on affidavit of the sheriff or other officer, having served the said writ, stating the manner in which the said service was made, and on the same being deemed by the court a service agreeably to law, judgment may be entered by default for such part as he is possessed of ; and a writ of possession may issue upon such judgment and the action may proceed to trial for the residue, against the other defendant or defendants, and the return by the sheriff of having served any such writ on the defendants marked, served by him, shall be evidence of such defendant or defendants being in actual possession of the premises or part thereof.

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in possession
of the premi-
ses, &c.

SECT. III. *And be it further enacted by the authority aforesaid,* That no writ of ejectment shall abate by reason of the death of any plaintiff or defendant, but the person or persons next in interest may be substituted in the place of the plaintiff or defendant, who shall have died, pending the writ.

Writs of
ejectment
not to abate
for the death
of either of
the parties.

SECT. IV. *And be it further enacted by the authority aforesaid,* That where two verdicts shall in any writ of ejectment between the same parties be given in succession for the plaintiff or defendant, and judgment be rendered thereon, no new ejectment shall be brought, but where there may be verdict against verdict between the same parties and judgment thereon, a third ejectment in such case, and verdict and judgment thereon shall be final and conclusive, and bar the right, and the plea in ejectment shall be not guilty.

Two ver-
dicts on the
same side to
preclude a
further suit
in ejectment

SECT. V. *And be it further enacted by the authority aforesaid,* That so much of the act to which this is a supplement as prescribes the form of execution, shall be, and the same is hereby repealed : *Provided nevertheless,* That no writ of *Capias ad satisfaciendum*, shall issue in any case where any defendant or defendants may have real or personal estate, to satisfy the plaintiff's demand, or if the whole cannot be satisfied, then only for the residue thereof.

Repeal of
part of a for-
mer law.

Provide.

SECT. VI. *And be it further enacted by the authority aforesaid,* That on the execution of a *Liberari facias*, where the defendant or his tenant is in possession of the premises to be extended, the sheriff shall deliver the actual possession thereof to the plaintiff or his agent.

On a liberari
facias, the
plaintiff to be
put into pos-
session.
[See vol. 1.
pa. 63, (in
note.)]

Passed 13th April, 1807.—Recorded in Law Book No. XI. page 132.

ACTS

OF THE

General Assembly of Pennsylvania.

Passed at a session which was begun and held at Lancaster on Tuesday, December 8th, 1807, and from thence continued until March 28th, 1808, (inclusive.)

1807.

THOMAS M'KEAN, GOVERNOR.
PRESLY CARR LANE, SPEAKER OF THE SENATE.
SIMON SNYDER, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

CHAPTER MMDCCCLXXIII.

An ACT to alter and amend the several laws of this commonwealth, relative to Domestic Attachments.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* it shall and may be lawful for the respective courts of common pleas, on the oath or affirmation of any creditor or creditors, or any other credible person for him or them, of the truth of his or their debt, and that his or their debtor or debtors have absconded or departed from the place of his or their usual abode in this state, or remained absent from the state, or have confined him or themselves in his or their own house or houses, or concealed him or themselves elsewhere, with design, as is believed, to defraud his or their creditors; and that the said debtor has not left a clear real estate in fee-simple within this state sufficient to pay his debts, so far as such deponent knows or believes, to issue writs of attachment against all the lands, tenements, goods and chattels of such person or persons so absconding, absenting, confining or concealing him or themselves: [*Provided always, That the said departure, absence or concealment shall be proved by the oath or affirmation of a disinterested witness.*] (y)

The courts of common pleas authorized to issue writs of attachment, &c.

[See vol. 1, pa. 45-158, chap. 143, and 263, and the note thereto, respectively.]

(y) This proviso is repealed by act of 4th April, 1809, and the oath required by the first section may be administered, either by the prothonotary of the court, or before a justice of the peace, as the case may require.

SECT. II. *And be it further enacted by the authority aforesaid,* 1807.

That the sheriff or coroner to whom the said writs of attachment shall be directed, shall attach all the lands, goods, chattels and effects of the defendant or defendants in whose hands soever the same can be found ; and that all the said chattels and effects, attached by virtue of such writs, shall forthwith be appraised, inventoried and secured by the officer who executes the writs ; and in case any perishable goods be attached, it shall be lawful for any judge of the court from which the process issued, in his discretion, to order such goods to be sold ; and the monies arising from such sale shall be received by the sheriff and paid over by him to the trustees to be appointed in pursuance of this act.

What property may be attached.

To be appraised and inventoried.

How it may be disposed of, &c.

SECT. III. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said court, on the return of the said writ, to appoint three honest and discreet men to be trustees for all the creditors of such debtor, with power to audit the accounts, and to adjust the demands of all the defendant's creditors, and to settle their shares or proportions of the defendant's estate, and make report of their proceedings therein to the said court ; and the said trustees shall, before they proceed, take an oath or affirmation, to be administered by the court appointing them, *well and truly to execute the trust reposed in them, according to the best of their skill and understanding ; and the said court shall allow them a reasonable compensation for their trouble, out of the property attached as aforesaid.

Trustees to be appointed to audit the accounts, &c

[* Any judge, alderman or justice of the peace competent to administer this oath, &c. by act of 4th April, 1809.]

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said trustees shall and may take into their possession all the estate of such debtor, whether attached as aforesaid, or afterwards discovered by them, and all books, vouchers and papers relating to the same ; and the said trustees shall be deemed vested with all the estate of such debtor at the time of issuing the said attachment ; and shall be capable to sue for and recover the same, and all debts and things in action due or belonging to such debtor at that time or at any time thereafter, and all the estate attached as aforesaid, shall be by the sheriff who took the same, delivered over to the said trustees : *Provided always,* That in case of a *bona fide* purchase made, or assignment taken from or under such debtor for a valuable consideration by any person having no notice or knowledge of the attachment, such purchase or assignment shall not be invalidated or impeached : *And provided also,* That if any person, indebted to the party against whom an attachment has been issued as aforesaid, or having the possession of any of his property, shall *bona fide* pay the said debt, or deliver the said property to the said party without notice or knowledge of the attachment, he or she shall not be liable to pay or deliver the same to the trustees.

They may take into their possession, and shall be deemed vested with all the estate of defendant, &c.

Proviso in favour of bona fide purchasers, &c.

SECT. V. *And be it further enacted by the authority aforesaid,* That if such debtor, against whom an attachment shall have been issued as aforesaid, shall, prior thereto, have conveyed to any of his or her children or other persons, any lands or goods, or transferred his or her debts or demands into other persons names, with intent to defraud his or her creditors, the said trustees shall have power to recover and dispose of the same, in as effectual a manner

Property previously conveyed by defendant with intent to defraud creditors, may be recovered and disposed of by trustees.

1807. as if the said defendant had been actually seized or possessed thereof.

Empowered to make sale of defendant's lands, &c.

And to assign or otherwise dispose of debts due to him.

SECT. VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said trustees to make public sale and assurance of all the lands and tenements, goods and chattels belonging to such debtor, which shall be good and effectual in law, against him, his heirs, executors and assigns; and it shall and may be lawful for the said trustees to grant and assign, or otherwise to order or dispose of, all or any of the debts, due or to be due to and for the benefit of said defendant, to the use of his creditors; and the same grant, assignment or disposition of the said debts, shall vest the right and interest thereof in the person or persons to whom it shall be so granted, assigned or ordered, so that such assignees may sue for and recover the said debts in their own names, and detain the same to their own use; and that after such grant, assignment or disposition made of the said debts, neither the said defendant, nor any other to whom such debts shall be due, shall have power to recover the same, nor to make any release or discharge thereof.

Empowered to redeem lands, &c. conveyed by defendant, &c.

SECT. VII. *And be it further enacted by the authority aforesaid,* That if the said defendants shall have conveyed or assured any lands, goods, or estate unto any person upon condition or power of redemption, by payment of money or otherwise, it shall be lawful for the said trustees or for any person by them duly authorized for that purpose, by writing under their hands and seals, to make tender of money or other performance, according to the nature of such condition, as fully as the said defendant might have done, and the said trustees, after such performance or tender, shall have power to sell and dispose of such lands, goods, and estate for the benefit of the creditors.

To give public notice of their appointment.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the said trustees, shall, immediately on their appointment, give notice thereof in two newspapers, printed in the city of Philadelphia, and in one newspaper in the county in which the attachment issued, or if there shall be no newspaper printed in such county, then by setting up four advertisements in four of the most public places in the county in which the attachment issued, and require all persons indebted to the defendant, to pay and deliver all sums of money and property, due and belonging to such debtor, to the said trustees, and also to desire all creditors of the defendant to deliver to them their respective accounts and demands; and if any controversy shall arise, concerning any claim by any creditor, or concerning any debt or demand claimed by the said trustees, the trustees may agree with the opposite party to refer the decision of the said controversy to arbitrators, mutually chosen, and if the parties will not agree to a reference, an issue shall be made up between them, and a jury shall be empannelled as in other cases to try the same.

How controversies relative to demands due, &c.

Trustees empowered to examine upon interrogatories, all persons supposed to be indebted

SECT. IX. *And be it further enacted by the authority aforesaid,* That the said trustees may summon before them and examine all persons supposed to be indebted to the defendant, and such other persons as they shall think fit upon interrogatories or otherwise on oath or affirmation, which they are hereby empowered to administer

touching the lands, tenements, goods, chattels or effects of the defendant, and such other things as may tend to disclose their estates, or their secret grants or alienation of their effects; and if such person shall refuse to attend, or shall refuse to be sworn or affirmed and to make answer to such question or interrogatories as shall be administered, it shall be lawful for the trustees to commit such persons to prison, there to be detained until they shall submit themselves to be examined in manner aforesaid. And the said trustees may by warrants under their hands and seals, cause to be broke open any houses, chambers, shops, warehouses, door, trunks or chests of the defendants, where their goods or effects shall be or reputed to be, and seize the same for the use of their creditors.

1807.

to defendant,
&c.

And may
cause to be
broken open
the houses,
&c. of de-
fendant to
come at his
effects.

SECT. X. *And be it further enacted by the authority aforesaid,* That every person, who shall have, *bona fide*, given credit to or taken securities payable at future days from such debtor not due at the time of the issuing of the said attachment, shall be admitted to prove their debts and contracts as if they were payable presently, and shall have a dividend in proportion to the other creditors, discounting where no interest is payable at the rate of so much per centum per annum as is equal to lawful interest, and where mutual credit has been given by such debtor and any other person, or mutual debts between them at any time before the issuing of the attachment, the trustees shall state the account between them, and one debt may be set off against the other, and what shall appear to be due on either side on the balance of such account after such set off, and no more, shall be claimed or paid on either side respectively.

Bona fide
debts pay-
able at a fu-
ture day,
placed on a
footing with
debts paya-
ble present-
ly.

Mutual debts
may be set
off against
each other.

When trust-
ees are to
make distri-
bution
among the
creditors.

SECT. XI. *And be it further enacted by the authority aforesaid,* That at some time after the expiration of six months, and within nine months from and after the first public notice aforesaid, the said trustees shall proceed to make distribution among the creditors in proportion to their respective just demands of all monies that shall come to their hands for that purpose, first deducting thereout all legal charges and commissions; in which payment no preference shall be allowed to debts due on specialties; and if the whole of such debtor's estate be not then distributed, the said trustees shall at the expiration of three months thereafter, make a second dividend of all such monies as shall have come to their hands after the first division, and so from each period of three months, until a distribution shall have been made as aforesaid of all the estate of such debtor.

No prefer-
ence to be
allowed to
debts on spe-
cialties, &c.

SECT. XII. *And be it further enacted by the authority aforesaid,* That a majority of said trustees may exercise all the powers and perform the duties herein given to, and required of them, and in case of vacancy the court shall supply the same by a new appointment or appointments.

A majority
of the trust-
ees to be a
quorum for
business.

How vacan-
cies are to be
supplied.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That if the said debtor or any person on his or her behalf shall at any time during the term to which the process of attachment was returnable disprove the facts of absconding, absence or concealment, upon which the attachment was grounded, the court shall and may dissolve the same.

In what case
the attach-
ment may be
dissolved.

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The writ of attachment may contain a clause of *capias* against the garnishee.

Justices of the peace and aldermen to have cognizance, in all cases, &c.

[* Vol. 1, p. 218.]

And to dissolve attachments in cases within their jurisdiction.

No second attachment to issue against the same defendant unless, &c.

Attachments not to abate by the death of defendant.

Of foreign attachments.

Repealing clause.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the plaintiff in any case of attachment issued under or by virtue of this act to cause to be inserted in the body of the writ, a clause of *capias* against the garnishee, under the same rules and regulations as are prescribed by law in cases of foreign attachment.

SECT. XV. *And be it further enacted by the authority aforesaid,* That the jurisdiction of the justices of the peace and aldermen shall be and the same is hereby extended to all cases of attachment authorized by this act, where the debt or demand of the plaintiff does not exceed one hundred dollars, subject otherwise to the same rules, regulations and restrictions prescribed in and by an act entitled,* "An act for regulating attachments not exceeding five pounds," passed on the twenty-second day of August, one thousand seven hundred and fifty-two; provided that the penalty on the justice, mentioned in the first section of said act, be extended to one hundred dollars.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That the justices of the peace and aldermen shall have the like power with the Courts of Common Pleas, to dissolve writs of attachment in cases within their jurisdiction, and upon the same proofs; provided that application be made for that purpose within twenty days after the return of the writ.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That no second or other attachment shall be issued against, or served upon the estate or effects of the same defendant unless the first attachment be not executed or be dissolved by the court, and that the overplus of the said debtor's estate, if any there be, after all their debts and lawful charges are deducted, shall be returned to such debtors, their executors or administrators.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That the death of the debtor after the issuing of the attachment shall not abate or affect the proceedings thereon, but the same shall go on to a final conclusion, and with equal validity, as if such debtor had lived.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That nothing in this act contained, shall be construed to alter or affect the laws of this commonwealth relative to foreign attachments.

SECT. XX. *And be it further enacted by the authority aforesaid,* That so much of any act of assembly as is hereby altered or supplied, be and the same is hereby repealed: *Provided,* That the said repeal shall not affect any proceedings already commenced under such act or acts, but the same may be continued as though this act had not been passed. (z)

Recorded in Law Book No. XI. page 141.

(z) This act was presented to the governor for his approbation, April 4th, 1807, near the close of the then session of the general assembly, and was not returned by him within three days after the meeting of the next, therefore

agreeably to the constitution it became a law, December 4th, 1807. (Note to former edition.)

In addition to the cases noted to the former foreign and domestic attachment law, see *Cookson and Waddington*

v. *Turner*, 2 *Binney*, 453. The court will not dissolve a foreign attachment merely because there has been no writ of inquiry executed for fourteen years, if the delay is accounted for.

Afterwards, in the same case, it was held, that there is no necessity for a *scire facias* to receive a judgment in foreign attachment. It differs from other actions, the defendant never was in court, and there is no person to be warped. 3 *Binney*, 416.

If a creditor of A. lays an attachment upon goods which appear as the property of A. but wherein B. has nevertheless an interest, which he communicates to the creditor before the attachment is laid, the creditor is bound to refund B. his proportion of the money recovered under the attachment, notwithstanding the judgment of a com-

petent court decreed the whole to him as the property of A. *Bank of North America v. McCall*. 3 *Binney*, 338.

Stock of the Bank of the United States, which has been sold *bona fide*, and the certificate delivered to the purchaser, with a power of attorney to transfer it upon the books of the bank, is not liable to attachment as the property of the vendor, although it is standing in his name on the books of the bank, at the time of the attachment.

A chose in action which has been equitably assigned, is not subject to attachment as the property of the assignor.

The plaintiff in a foreign attachment stands upon no better footing as to the thing attached, than his debtor, the defendant in the attachment. *The United States v. Vaughan*. 3 *Binney*, 394.

1807.

CHAPTER MMDCCCLXXV.

An ACT to extend an act, entitled “An act to authorize the Secretary of the Land-Office to sign patents for lands, and land warrants.” [Chap. 2794, ante. pa. 389.]

[SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled “An act to authorize the secretary of the land-office to sign patents for land, and land-warrants,” passed on the fourth day of April, one thousand eight hundred and seven, be, and the same is hereby extended, and the same shall be in full force and operation until the first day of January, which will be in the year one thousand eight hundred and eighteen.*]

The original act continued for a limited time.

[Supplied by the act of 29th March, 1809, § 8.]

Passed 24th December, 1807.—Recorded in Law Book No. XI. page 145.

CHAPTER MMDCCCLXXVI.

An ACT to incorporate the trustees of the Second Baptist church and congregation in Philadelphia.

Passed 18th January, 1808.—Recorded in Law Book No. XI. page 145.

CHAPTER MMDCCCLXXVII.

An ACT vesting a title to sixty acres of land in Somerset township, Somerset county, in certain trustees and their successors, for the benefit of a congregation composed of Presbyterians and Lutherans.

Passed 18th January, 1808.—Recorded in Law Book No. XI. page 46.

1808.

CHAPTER MMDCCCLXXX.

An ACT to establish a public ferry on the east side of the river Susquehanna in the county of Dauphin, and to vest the right thereof in William Moorhead, his heirs and assigns.

SECT. 1. [THE right to establish a ferry over the Susquehanna on the road leading from Harrisburgh through Selin's grove to Sunbury, vested in William Moorhead and his assigns, &c.]

Passed 18th January, 1808.—Recorded in Law Book No. XI. page 149.

CHAPTER MMDCCCLXXXI.

An ACT to change the name of John Powel Hare to John Hare Powel.

Passed 18th January, 1808 —Recorded in Law Book No. XI. page 149.

CHAPTER MMDCCCLXXXII.

An ACT supplementary to an act, entitled "An act for establishing the Seat of Justice in the county of Tioga, and for other purposes."

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That James Dixon of Delmar township, and Samuel W. Morris of Wellsborough in Tioga county, be, and they are hereby appointed trustees for the county of Tioga, in the room and stead of William Ellis, deceased, and of William H. Wells who has resigned, and the said James Dixon, and the said Samuel W. Morris, together with John Fleming the other trustee, or a majority of them, are hereby invested with all and every the powers and authorities, and subjected to all the duties which were or are by law vested in, or required of the trustees of the said county, and that in case of vacancy hereafter happening by death, resignation or otherwise, the governor shall be, and hereby is authorized and empowered to supply the same from time to time by new appointments.*

SECT. II. *And be it further enacted by the authority aforesaid, That the trustees for the county of Tioga, for the time being, or a majority of them, shall be, and hereby are authorized and empowered to appropriate such part of the money arising from the sales made, or which hereafter may be made of lots in the town of Wellsborough, in the said county, as may be necessary for that purpose to the opening of the streets and lanes, and to the cutting down and clearing away the timber now upon that moiety of the said town, which has been conveyed to the said trustees for the use of the said county as well as to the proper fencing of the same, and afterwards to lease out from year to year upon the most advantageous terms, such part of the land so cleared as the said trustees or a majority of them may deem necessary, and the commissioners of the said county of Tioga shall when elected, have power and are hereby required to do and perform such part of the duties enjoined by this act on the trustees as shall remain unperformed at the time of their election.*

[Original act, ante. pa. 324.]

Two trustees appointed for Tioga county to fill vacancies.

Powers of the trustees.

How future vacancies are to be supplied.

Further powers of the trustees.

Powers and duties of the trustees to be vested in the county commissioners when elected.

SECT. III. *And be it further enacted by the authority aforesaid,* 1808.

That the citizens, inhabitants of the said county of Tioga, who are or shall be qualified to elect members of the legislature, agreeably to the constitution and laws of this commonwealth, shall at the ensuing general election to be held on the second Tuesday of October next, at the usual election districts in said county, elect three county commissioners, who, when duly elected and qualified to enter on the duties of their offices shall have and enjoy all and singular such authorities and privileges with respect to their county, and shall receive such compensation as commissioners elected in and for any other county have by law, and the duration of the office, and of said commissioners respectively shall be determined in like manner, and their places supplied as is directed by law on the erection of a new county; and on the election of the said commissioners, the powers of the commissioners of Lycoming county shall cease and determine in the said county of Tioga. And the Court of Quarter Sessions of Lycoming county, shall have power and are hereby required from time to time to appoint auditors to settle the accounts of the officers of the county of Tioga in the like manner, and with the like authorities as they may by law appoint auditors in the county of Lycoming: *Provided always,* That all and singular the costs and expenses in laying out, and opening roads, all costs chargeable to the county of Tioga arising from criminal prosecutions, instituted against persons within said county, and all other costs and expenses incidental to said county, and which of right should be paid by the same, on account of the jurisdiction of the several courts of Lycoming, and the authority of the judges thereof extending over the said county of Tioga, shall be paid by the treasurer of the county of Tioga, on orders drawn by the commissioners of the county of Lycoming, and countersigned by the commissioners of the county of Tioga, and all such incidental costs and expenses shall be apportioned between the said counties in proportion to their respective ratios of taxation.

County commissioners to be elected at the usual time and in the usual manner; their powers, privileges and compensation.

Duration of office, and of supplying vacancies, &c.

Court of quarter sessions of Lycoming county to appoint auditors for Tioga county.

Proviso.

Commissioners of Tioga empowered to call on the commissioners of Lycoming county for any balances that may be found due to said county, &c.

Repealing clause.

SECT. IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners aforesaid, or their successors, to call on the commissioners of the county of Lycoming for the purpose of examining, liquidating and receiving such balances as shall be found due to the said county of Tioga, and received to the use of the same, by the act of the general assembly of this commonwealth, passed the third day of February, anno Domini one thousand eight hundred and six. And if on examination, it be found that a balance is due from the county of Tioga to the county of Lycoming, then it shall be the duty of the commissioners of Lycoming to call upon the commissioners of Tioga county, and recover said balance.

SECT. V. *And be it further enacted by the authority aforesaid,* That so much of any act or acts of the general assembly as is altered or supplied by this act, be and the same is hereby repealed.

1808.

CHAPTER MMDCCCLXXXIII.

An ACT to declare certain parts of Muddy creek, in the county of Crawford a public highway.

Part of Muddy creek declared a public highway.

[SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, Muddy creek from its junction with Hutcheson's saw-mill run, to its confluence with French creek shall be, and the same is hereby declared a public highway for the passage of rafts, boats and other water carriage, under the limitations and restrictions hereinafter specified ; and it shall and may be lawful for the inhabitants desirous of using or promoting the navigation of said creek, to remove all natural obstructions in said part or parts of said creek, from the mouth of said saw-mill run to French creek, as may be necessary for the passage of rafts, boats, and other water carriage.

Provision in favour of persons possessing lands on said creek, &c.

SECT. II. *And be it further enacted by the authority aforesaid, That* nothing in this act contained shall be deemed, taken or understood, to prevent any person or persons possessing lands on the said creek who before the passing of this act had authority under the laws of this commonwealth to erect a dam, or dams, from erecting any such dam or dams that he, she or they may think proper : *Provided always, That* such dam or dams shall be so constructed and kept in repair, with such a proper slope or slopes, or with a lock or locks, whereby the navigation of the said creek shall not be injured.

Passed 1st February, 1808.—Recorded in Law Book No. XI. page 151.

CHAPTER MMDCCCLXXXIV.

An ACT declaring part of Lackawaxen creek in Wayne county, a public highway.

A certain part of Lackawaxen river in the county of Wayne, declared a public highway.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* Lackawaxen river in the county of Wayne, from the falls thereof to the Dyberry forks, and thence up the Dyberry branch and West branch to the Great falls of the respective branches, be, and the same is hereby declared a public highway for the passage of rafts, boats and other vessels ; and it shall be lawful for the inhabitants and others desirous of using the navigation of the said river, to remove all natural and artificial obstructions which may be in the same, excepting dams for mills, and other water works, and also to erect such slopes at the mill-dams now built in the said river, as may be necessary for the passage of rafts, boats or other vessels : *Provided, Such* slopes be so constructed as not to injure the works of said dams : *And provided also, That* any person or persons owning or possessing lands on said river, shall have liberty to construct any dam or dams across the same, agreeably and subject to all the restrictions and provisions of an act of the general assembly of this commonwealth, passed the twenty-third day of March, one thou-

Provision in favour of persons owning or possessing lands on said river.

sand eight hundred and three, entitled, "An act to authorize any person or persons owning lands adjoining navigable streams of water, declared public highways, to erect dams upon such streams for mills and other water-works."

Passed 1st February, 1808.—Recorded in Law Book No. XI. page 151.

CHAPTER MMDCCCLXXXVI.

An ACT to confirm to certain persons holding an island in the river Delaware, their title to the same. (a)

Passed 1st February, 1808.—Private act.—Recorded in Law Book No. XI. page 152.

(a) This island is known by the Delaware, in Falls township, Bucks name of Biles Island, situate about a county. (Note to former edition.) mile below the lower falls of the river

CHAPTER MMDCCCLXXXVII.

An ACT to alter an act entitled, "An act to erect the town of Harrisburgh in the county of Dauphin into a borough."

SECT. 1. [THE incorporation of Harrisburgh, perpetuated according to its former limits, and particularly described in this act. 2. Freeholders, house-keepers and other inhabitants, entitled to vote for members of assembly, having resided in the borough at least one year previous to the election, and within that time paid a borough tax, may vote for borough officers, on the third Friday in March, annually. Officers to be chosen, viz. burgesses, town council, high constable, and also four constables, two of whom shall be appointed by the Court of Quarter Sessions; and how the election is to be conducted. How the preference is to be determined where two or more candidates have an equal number of votes. Persons elected to be notified. How vacancies by death, resignation, &c. are to be supplied. 3. Borough officers incorporated by the style of "The Chief Burgess, Assistant Burgess, and Town Council of the Borough of Harrisburgh," with the usual corporate powers and privileges. Two weekly markets and two fairs in each year may be held in said borough. 4. Penalty on borough officers refusing or neglecting to serve. How to be recovered, and to what use. 5. Qualification of the borough officers to be taken before any justice of the peace of the county. 6. A quorum of the town council to hold quarterly meetings. Business to be transacted at such meetings prescribed—to make by-laws, &c. To assess, apportion and appropriate taxes. To appoint a town clerk, treasurer, street-commissioners, clerk of the market, collectors, &c. The by-laws not to be repugnant to the constitutions and laws, &c. Amount of taxes not to exceed half cent in the dollar in any one year, unless, &c. 7. Mode of collecting the taxes, prescribed. Duties and powers of the burgesses to carry into effect the by-laws, &c. and to mitigate or remit fines or forfeitures, &c. 8. Duties and responsibility of the town clerk prescribed and declared. 9. Treasurer to give se-

1808. curity, &c. 10. All officers appointed by the corporation, to render their accounts annually for settlement. 11. The burgesses, &c. to constitute a court of appeal, to remedy grievances in taxation. 12. Duties of the high constable prescribed. 13. Allowance to election officers. Salaries of the high constable, town clerk, &c. And penalty on officers, appointed by the town council, refusing to serve. 14. Persons feeling themselves aggrieved, may appeal to the next Court of Common Pleas, &c. 15. Former incorporating act repealed.]

Passed 1st February, 1808.—Recorded in Law Book No. XI. page 153.

CHAPTER MMDCCCLXXXVIII.

An ACT to incorporate the Evangelical Lutheran Congregation of St. John's Church, in the city and vicinity of Philadelphia.

Passed 1st February, 1808.—Local act.—Recorded in Law Book No. XI. page 157.

CHAPTER MMDCCCXC.

An ACT declaring part of Wallenpaupack creek, in Wayne county, a Public Highway.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* Wallenpaupack creek, in the county of Wayne, from the falls thereof at Wilsonville, to the forks of said creek and thence up the West branch to where the North and South road crosses, and up the South branch to the upper end of Newfoundland settlement, be, and the same is hereby declared a public highway for the passage of rafts, boats and other vessels; and it shall be lawful for the inhabitants, and others, desirous of using the navigation of the said creek, to remove all natural and artificial obstructions, which may be in the same, excepting dams for mills and other water-works; and also to erect such slopes, at the mill-dams now built in the said creek, as may be necessary for the passage of rafts, boats or other vessels: *Provided, Such slopes be so constructed as not to injure the works of said dams: And provided also, That any person or persons, owning or possessing lands on said creek, shall have liberty to construct any dam or dams across the same, agreeably and subject to all the restrictions and provisions of an act of the General Assembly of this commonwealth, passed the twenty-third day of March, one thousand eight hundred and three, entitled "An act to authorize any person or persons, owning lands adjoining navigable streams of water, declared public highways, to erect dams upon such streams, for mills and other water works."*

Part of Wallenpaupack creek, in Wayne county, declared a public highway.

Provision in favour of persons holding lands on said creek.

Passed 4th February, 1808.—Recorded in Law Book No. XI. page 163.

CHAPTER MMDCCCXCI.

An ACT to enable the Trustees of the German Lutheran Congregation, of the townships of Albany and Linn in Berks and Northampton Counties, to convey to the Trustees of the German Reformed Congregation, an equal right to a Church and Tract of Land therein described.

Passed 4th February, 1808.—Recorded in Law Book No. XI. page 163.

CHAPTER MMDCCCXCIII.

An ACT for the Relief of Thomas Cox. (b)

Passed 4th February, 1808.—Recorded in Law Book No. X. page 164.

(b) Forty dollars granted to Thomas Cox, a soldier in the revolutionary war, and an annuity of forty dollars commencing the first of January, 1808, payable half yearly to Samuel Johnson, Esq. &c. to be applied to the use of said Cox. (Note to former edition.)

CHAPTER MMDCCCXCV.

An ACT establishing an Academy in the borough of Union town, in the county of Fayette.

SECT. 1. [“UNION ACADEMY,” in Fayette county, established. 2. Trustees nominated and incorporated. Style of the corporation to be “The Trustees of the Union Academy,” with the usual corporate powers and privileges. 3. Authorized to use one common seal, &c. 4. First meeting of the trustees. Seven to be a quorum to do business. Their powers defined. 5. By-laws, &c. to be registered. No misnomer to defeat any gift to the corporation, or nonuser cause a forfeiture. 6. No *bona fide* sale of real estate by the corporation to be controverted after seven years. 7. A grant of two thousand dollars made to the corporation; and of the admission of poor children into the academy, to be taught gratis.]

Passed 4th February, 1808.—Recorded in Law Book No. XI. page 166.

CHAPTER MMDCCCXCVI.

An ACT authorizing the Court of Quarter Sessions of Indiana county to direct a review of that part of the state road, leading from Blair's-Gap to the western boundary line of the state, which lies between the town of Indiana and the Seventh mile-tree, westward.

SECT. 1. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That

1808. the Court of Quarter Sessions of the county of Indiana, be, and they are hereby authorized to appoint six discreet and reputable freeholders, to view that part of the state road laid out from Blair's Gap to the Western boundary line of the state, which lies between the town of Indiana and the seventh mile-tree westward; and if upon the report of the said viewers or any five of them, making any alteration in the route of said road, the court should approve and confirm the same, a draft of the courses and distances of such alteration shall be filed in the office of the clerk of said court, and a duplicate thereof transmitted to the secretary of the commonwealth, and the said road so laid out shall thereafter be part of the state road aforesaid, and that part rendered unnecessary thereby shall be vacated, and the expense of the viewers shall be paid by warrants drawn by the commissioners on the treasury of Indiana county.

Persons to be appointed to review a certain part of a state road in Indiana county, &c.

Passed 4th February, 1808.—Recorded in Law Book No. XI. page 167.

CHAPTER MMDCCCCIII.

An ACT to declare Masquerades and Masqued Balls to be common nuisances, and to punish those who promote or encourage them.

Masquerades and masqued balls, declared to be common nuisances.

Penalty on persons setting on foot or promoting masquerades and masqued balls.

Offenders in the premises to be prosecuted by indictment.

Form thereof.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* masquerades and masqued balls, be, and they are hereby declared to be common nuisances; and every housekeeper within this commonwealth, who shall knowingly permit or suffer a masquerade or masqued ball to be held or given in his or her house, and every person who shall set on foot, promote or encourage, any masquerade or masqued ball, and every person who shall knowingly attend or be present at any masquerade or masqued ball, in mask or otherwise, being thereof legally convicted, in the mayor's court of the city of Philadelphia, or in any Court of Quarter Sessions of the Peace, or Oyer and Terminer and General Gaol Delivery, shall, for each and every such offence, be sentenced to an imprisonment not exceeding three months, and to pay a fine not exceeding one thousand nor less than fifty dollars, and to give security in such sum as the court may direct, to keep the peace and be of good behaviour for one year.

SECT. II. *And be it further enacted by the authority aforesaid, That* the offences declared in and by the first section of this act, shall be prosecuted by indictment, in the following form: *to wit,* "The grand inquest of the commonwealth of Pennsylvania, inquiring for the of upon their oaths and affirmations respectively, do present, That late of the said on the day of in the year of our Lord, one thousand eight hundred and at the aforesaid, and within the jurisdiction of this court, did set on foot, promote and encourage a masquerade, within the aforesaid, to the great danger of the public morals, to the common nuisance of all the good citizens of this commonwealth, contrary to the form of the act of Assembly in such case made and

provided, and against the peace and dignity of the commonwealth of Pennsylvania;" under which indictment any of the offences, declared in and by the first section of this act, may be given in evidence, as if the same had been therein particularly set forth and described; and no exception shall be allowed to such indictment for insufficiency of form. 1808.

Passed 15th February, 1808.—Recorded in Law Book No. XI. page 173.

CHAPTER MMDCCCCVII.

An ACT to enable the governor to incorporate a company to make an artificial road, by the best and nearest route, from the town of Hanover, in the county of York, to the Maryland line, at or near the place the turnpike from Baltimore to the state line, towards Hanover, will strike the same.

SECT. 1. [COMMISSIONERS named to receive subscriptions to the Hanover and Maryland line turnpike road. Form of subscription prescribed. Notice of the times and places of subscription to be published. Who may subscribe, and for what number of shares. For what time the books are to be kept open. The commissioners may adjourn from time to time until the whole number of shares are subscribed. Subscribers to pay a deposit of five dollars on each share subscribed. Appropriation thereof. 2. On what terms the subscribers are to be incorporated. Style of the corporation to be "The President, Managers and Company of the Hanover and Maryland line Turnpike Road," with the usual corporate powers. 3. The commissioners to notify the subscribers to meet for the purpose of organizing the corporation. Officers to be chosen, and generally to have like powers, authorities and privileges necessary for carrying on and completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like tolls and profits in proportion to the distance as are given and granted to the president, managers and company of the Susquehanna and York Borough Turnpike Road: *Provided*, That if the company shall not proceed to carry on the said work in three years after the passing of this act, or shall not within seven years afterwards complete the said road according to the true intent and meaning of this act, then in either of these cases, all and singular the rights, liberties and franchises hereby granted to the said company shall revert to this commonwealth.]

[Ante. p. 161.]

Passed 22d February, 1808.—Recorded in Law Book No. XI. page 175.

CHAPTER MMDCCCCVIII.

An ACT for the Relief of the Inhabitants of the Village of Palmyra, in the township of London Derry, Dauphin county.

[BY the two first sections of this act, six commissioners are appointed to raise three thousand dollars for supplying the village of

1808. **Palmyra with water.** Their duties as usual in other lotteries, without compensation for their services. When the drawing is completed, the fortunate numbers to be published in one newspaper printed at Harrisburgh and one at Lebanon. Prizes not demanded within twelve months considered as relinquished. The nett proceeds of the lottery to be paid to the trustees named in the third section, &c.

SECT. 3. Trustees appointed to receive from the commissioners the nett proceeds of the lottery. Their further duties, in procuring water, prescribed. Said trustees and those to be elected in future to have perpetual succession. 4. Trustees to give bonds, &c. 5. How any balance remaining, after water is procured, shall be vested. If there be no balance, a tax to be raised to keep the works in repair. 6. The trustees not to dig, enter on lands, &c. without owners consent, &c.]

Passed 22d February, 1803.—Recorded in Law Book No. XI. page 177.

CHAPTER MMDCCCIX.

[Ante. p.
341.]

A further SUPPLEMENT to the act, entitled "An act to provide for the erection of a House for the Employment and Support of the Poor in the county of Dauphin."

WHEREAS it has been represented to the legislature, that by the act, entitled "An act to provide for the erection of a house for the employment and support of the poor in the county of Dauphin," passed the twenty-eighth day of March, one thousand eight hundred and six, the directors of the poor and of the house of employment for the county of Dauphin, are made a body politic and corporate in law, and by that name shall and may receive, take and hold, any lands, tenements and hereditaments, and any goods and chattels whatsoever, of the gift, alienation or bequest of any person or persons whomsoever, and to purchase, take and hold any lands and tenements within said county, in fee simple, or otherwise, but that the said act does not give to the judges of the courts of justice in and for the said county and jurors, competent jurisdiction for the recovery at law of any gift, grant, devise or bequest made to and for the said corporation, or give to the citizens of the said county, competency as witnesses in suits at law in claims respecting the same, whereby cases have occurred and may again occur, which would be without remedy, and it is necessary that the same should be explained and amended: 'Therefore,

In suits
brought by,
or against
the directors
of the poor in
the county of
Dauphin,
every resi-
dent within

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That in all actions to be commenced by the directors of the poor of the county of Dauphin for the recovery of any gift, grant, fine, forfeiture, devise or bequest made to the said corporation, or in case of any appeal brought by or against the said directors, respecting the*

settlement of a pauper, each and every person resident in said county in the first case, and of the counties affected thereby in the second case, shall be competent to hear, try and give testimony touching the matters in controversy.

1808.

said county shall be a competent juror or witness, &c.

Passed 22d February, 1808.—Recorded in Law Book No. XI. page 179.

CHAPTER MMDCCCCXVIII.

An ACT to validate and confirm the proceedings of certain Justices of the Peace, in the county of Adams, in cases therein mentioned.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* all acknowledgments of deeds, powers of attorney and other instruments of writing, taken prior to the twenty-eighth day of March, one thousand eight hundred and seven, before Justices of the Peace, who had been commissioned for districts within the county of York, which were included within the county of Adams by the act for erecting the said county of Adams, and all judgments rendered by the said justices prior to the said twenty-eighth day of March, one thousand eight hundred and seven, be, and they are hereby declared to be as valid and effectual to all intents and purposes, as if the said act had not been passed, or as if the said justices have been appointed and commissioned for the county of Adams, and where appeals had been made from the judgments of the said justices, the same may be prosecuted to judgment, discontinuance or non-suit as in other cases.

Confirmation of the acts of the justices of the peace, commissioned for York county, who by the division fell within Adams county. Appeals from their judgments may be prosecuted, &c.

Passed 22d February, 1808.—Recorded in Law Book No. XI. page 185.

CHAPTER MMDCCCCXXI.

An ACT for establishing and building a Bridge across the River Schuylkill, at or near the Falls thereof.

SECT. 1. [ROBERT KENNEDY and Conrad Carpenter authorized to erect a bridge over the Schuylkill at or near the Falls thereof, and when so erected, the same is vested in them and their heirs; with the right of demanding tolls; and rates of tolls prescribed. The tolls from time to time to be regulated, &c.: *Provided, That* no toll shall be taken from any person or persons attending funerals or walking in military procession, or from persons belonging to the militia in going to, and returning from muster on days of training, and that the tolls shall be so regulated that the nett profits arising from said bridge, shall never exceed fifteen per centum per annum on the money expended in erecting the same and keeping it in repair, &c. 2. Penalty on demanding greater than legal tolls or on

1808. neglecting to keep the bridge in repair, &c. 3. Limitation of time for beginning and finishing the bridge. 4. The bridge with its appurtenances, to be held as a tenancy in common, &c. 5. The rates of toll to be published and placed at or near the bridge; penalty for tearing down or defacing the same, &c. 6. Of the time and manner in which the said bridge may be made a free bridge.]

Passed 22d February, 1808.—Recorded in Law Book No. XI. page 187.

CHAPTER MMDCCCCXXVI.

[Ante. pa.
471.].

A SUPPLEMENT to an act entitled "*An act directing the mode of settling accounts in the Land-office, and to prevent frauds in obtaining Land Warrants.*"

Provisions of
the first section
of the
law respecting
patenting
lands extended.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the provisions of the first section of the act entitled "An act to encourage the patenting of lands and for other purposes;" passed the fourth day of April, one thousand eight hundred and five, be, and the same are hereby extended and continued in force until the first day of September, which will be in the year one thousand eight hundred and nine.*

Duty enjoined
on the receiver-general.

SECT. II. *And be it further enacted by the authority aforesaid, That so much of an act passed the thirteenth day of April, one thousand eight hundred and seven, entitled "An act directing the mode of settling accounts in the land-office, and to prevent frauds in obtaining warrants for land," which authorizes the receiver-general of the land-office on the settlement of any account for monies due on land, within the purchase made of the Indians in and prior to the year one thousand seven hundred and sixty-eight, to ascertain the amount of principal and interest due upon such account at the time of passing said act, and upon the aggregate amount so found due, he is directed to charge interest, until the amount of the account is discharged, be and the same is hereby suspended, until the first day of September, which will be in the year one thousand eight hundred and nine, and all other provisions of the said act shall be, and the same are continued during the said term: *Provided, That nothing herein contained shall be understood to authorize the receiver-general to settle any account of monies due on such land in any other manner than is directed by the said act, unless application for that purpose be made before the expiration of the period above limited, but in all cases of application after that period, interest shall be charged upon the aggregate sum from the time of passing the said act.**

Passed 14th March, 1808.—Recorded in Law Book No. XI. page 192.

CHAPTER MMDCCCCXXX.

1808.

An ACT for the improvement of the state.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the governor be, and he is hereby authorized to subscribe for, and in behalf of this commonwealth for the following number of shares of the stock of the several turnpike companies hereinafter enumerated: *That is to say,* of the stock of the Wilkesbarre and Easton turnpike road company, two hundred and fifty shares; of the Susquehanna and Lehigh turnpike road company, one hundred shares; of the Susquehanna and Tioga turnpike road company, two hundred shares; of the Centre turnpike road, leading from Reading to Sunbury, six hundred shares; of the Harrisburgh, Lewistown, Huntingdon and Pittsburgh turnpike road company, two thousand shares; of the Lancaster, Elizabethtown and Middletown turnpike road company, one hundred shares; of the Susquehanna and York borough turnpike road company, fifty shares; of the Gap and Newport turnpike road, one hundred shares; the amount of such subscription to be paid on warrants drawn by the governor upon the treasury in favour of the president and managers of the said companies respectively, according to the provisions of the second section of this act.

The governor authorized to subscribe in behalf of the state to certain enumerated turnpike companies.

To the Wilkesbarre and Easton turnpike 250 shares.

Susquehanna and Lehigh turnpike 100 shares.

Susquehanna and Tioga turnpike, 200 shares.

Centre turnpike, leading from Reading to Sunbury, 600 shares.

Harrisburgh, Lewistown, Huntingdon and Pittsburgh turnpike, 2000 shares.

Lancaster, Elizabethtown and Middletown turnpike, 100 shares.

Susquehanna and York borough, 50 shares.

Gap and Newport turnpike, 100 shares.

When and in what proportions the aforesaid shares are to be paid for, &c.

Certificates of shares of stock to be deposited, &c.

Appropriations, &c.

The governor or required to invest certain monies in bankstock.

SECT. II. *And be it further enacted by the authority aforesaid,* That no warrant for the payment of monies for the stock or shares so subscribed shall be drawn upon the treasury, until a section or sections of the roads respectively entitling the respective companies to erect gates and demand toll shall have been completed and reported agreeably to their respective laws and a license for that purpose obtained, and upon application by the said presidents and managers respectively, the governor shall be and hereby is authorized and required to draw his warrant on the treasury in their favour, for the payment of a number of the shares subscribed on behalf of this commonwealth, proportioned to the extent of the section or sections so completed and reported. And it shall be the duty of the said president and managers respectively upon receiving such warrant to cause certificates of shares of stock to the amount thus paid to be deposited with the treasurer of this commonwealth, and the dividends upon such shares to be thenceforth from time to time paid to the said treasurer as they shall be declared.

SECT. III. *And be it further enacted by the authority aforesaid,* That the unappropriated balance of the debt due from the estate of John Nicholson, the debt due from the Easton Delaware bridge company, twenty thousand dollars of the unappropriated monies now in the treasury, and the money arising from tavern licences, until the same shall amount to the sum of ninety thousand dollars be, and the same are hereby appropriated for the purpose of carrying this act into effect. And whenever the monies in the treasury, arising from the said debts, and from money arising from tavern licences shall amount to twenty thousand dollars or upwards, the governor shall be, and hereby is authorized and required to invest

1808. the same in bank or other productive stock, which said stock as well as the interest or dividends thereof shall be, and the same is hereby pledged and appropriated for the purpose of carrying the provisions of this act into effect, and the governor is hereby authorized to sell or dispose of from time to time so much of said stock as he may deem necessary for the payment of warrants drawn by him, in pursuance of the directions of this act.

The dividends of the aforesaid turnpike shares to be invested, &c.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the dividends, interest, income or profits of the turnpike stock subscribed for, and purchased in pursuance of the provisions of this act, shall from time to time as often as they shall amount to the sum of five thousand dollars be invested by the governor in some productive stock.

Passed 21st March, 1808.—Recorded in Law Book No. XI. page 195.

CHAPTER MMDCCCCXXXI.

An ACT to fix the number of senators, form the state into districts, and determine the portion to be allotted to each, also to fix the number of Representatives for the city and the several counties of the commonwealth, in pursuance of the provisions of the constitution.

Apportionment of senators in the legislature.

District of Philadelphia city and county.
Delaware and Chester.
Bucks.
Lancaster.
Berks.
Dauphin.
Montgomery.
Northampton and Wayne.
Luzerne and Northumberland.
Lycoming.
Centre, &c.
York and Adams.
Mifflin and Huntingdon.
Cumberland.
Bedford.
Somerset and Cambria.
Franklin.
Westmoreland.
Armstrong.
Fayette.
Greene and Washington.
Allegheny, Beaver and Butler.
Mercer.
Erie, &c.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That until the next enumeration of taxable inhabitants, and an apportionment thereon shall be made, the senate at a ratio of four thousand five hundred, shall consist of thirty-one senators, and apportioned as follows: *viz.* The city and county of Philadelphia shall be a district, and elect four senators; the counties of Delaware and Chester shall be a district, and elect two; the county of Bucks shall be a district, and elect one; the county of Lancaster shall be a district, and elect two; the county of Berks shall be a district, and elect two; the county of Dauphin shall be a district, and elect one; the county of Montgomery shall be a district, and elect one; the counties of Northampton and Wayne shall be a district, and elect two; the counties of Luzerne and Northumberland shall be a district, and elect two; the counties of Lycoming, Centre, Clearfield, M'Kean, Tioga and Potter, shall be a district, and elect one; the counties of York and Adams shall be a district, and elect two; the counties of Mifflin and Huntingdon shall be a district, and elect one; the county of Cumberland shall be a district, and elect one; the counties of Bedford, Somerset and Cambria, shall be a district, and elect one; the county of Franklin shall be a district, and elect one; the counties of Westmoreland, Armstrong, Indiana and Jefferson shall be a district, and elect one; the county of Fayette shall be a district, and elect one; the counties of Greene and Washington shall be a district, and elect two: the counties of Allegheny, Beaver and Butler shall be a district, and elect two: the counties of Mercer, Erie, Venango, Crawford and Warren shall be a district, and elect one.

SECT. II. *And be it further enacted by the authority aforesaid,* 1803:

That in those districts which are composed of more than one county, the judges of the district elections within each county, after having formed a return of the whole election within that county, in such manner as is or may be directed by law, shall send the same by one of their number to the place hereinafter mentioned within the district of which such county is a part, where the judges so met, shall cast up the several county returns, and execute under their hands and seals, one general and true return for the whole district: viz. The judges of the district composed of the city and county of Philadelphia, shall meet at the state-house in the city of Philadelphia; the judges of the district composed of the counties of Delaware and Chester, shall meet at the court-house in the borough of West-Chester; the judges of the district composed of the counties of Northampton and Wayne, shall meet at the house now occupied by Peter Hollingshead, late Jacob Stroud's at Stroudsburgh, in the county of Northampton; the judges of the district composed of the counties of Luzerne and Northumberland, shall meet at the house now occupied by John Kennedy in Bloom township, Northumberland county; the judges of the district composed of the counties of Lycoming, Centre, Clearfield, M'Kean, Tioga and Potter, shall meet at the house now occupied by Jesse Hunt in Bald Eagle township, Lycoming county; the judges of the district composed of the counties of York and Adams, shall meet at the court-house in the borough of York; the judges of the district composed of the counties of Mifflin and Huntingdon, shall meet at the house now occupied by John Culbertson in Wayne township, in Mifflin county; the judges of the district composed of the counties of Bedford, Somerset and Cambria, shall meet at the house of George Graham, in Stoystown, Somerset county; the judges of the district composed of the counties of Westmoreland, Armstrong, Indiana and Jefferson, shall meet at the house now occupied by Widow Elder in Blacklick township, Indiana county; the judges of the district composed of the counties of Greene and Washington, shall meet at the house of Zeba Cook, in the town of Amity in Washington county; the judges of the district composed of the counties of Allegheny, Beaver and Butler, shall meet at the house of William Dickson, in Pine township, Allegheny county; the judges of the district composed of the counties of Mercer, Erie, Venango, Crawford and Warren, shall meet at the court-house in Meadville, in Crawford county, on the third Tuesday in October, of each year for the purpose aforesaid.

Place and manner of making out returns in the districts respectively.

SECT. III. *And be it further enacted by the authority aforesaid,* That until the next enumeration of taxables, and an apportionment thereon shall be made, the house of representatives at a ratio of fifteen hundred, shall consist of ninety-five members, and be apportioned as follows, viz. The city of Philadelphia shall be entitled to elect five members; the county of Philadelphia six; the county of Bucks four; the county of Chester five; the county of Lancaster six; the county of York four; the county of Cumberland three; the county of Berks five; the counties of Northampton and Wayne five: and the return judges shall meet at the court-house in the borough of Easton. The county of Northumberland four; the county

Number and apportionment of the house of representatives.

1808. of Washington four; the county of Westmoreland three; the counties of Armstrong, Jefferson and Indiana one; and the return judges shall meet at the house of Absalom Woodward, in Armstrong county. The county of Fayette three; the county of Bedford two; the county of Franklin three; the county of Montgomery four; the county of Dauphin three; the county of Luzerne two; the county of Huntingdon two; the county of Beaver one; the counties of Allegheny and Butler four; and the return judges shall meet at the house of William Dickson, in Pine township, Allegheny county. The county of Mifflin two; the county of Delaware two; the counties of Somerset and Cambria two; and the return judges shall meet at the court-house in the borough of Somerset. The county of Lycoming two; the county of Greene one; the county of Adams two; the counties of Centre, Clearfield and McKean one; and the return judges shall meet at the court-house in the borough of Bellefont. The counties of Erie, Crawford and Warren two; and the return judges shall meet at the court-house in the town of Meadville. The counties of Mercer and Venango two; and the return judges shall meet at the court-house in the town of Mercer.

Time, mode
and place of
electing re-
presenta-
tives,

SECT. IV. *And be it further enacted by the authority aforesaid,* That the senators and representatives shall be chosen by the citizens of Philadelphia, and of the several counties duly qualified, at such time, in such manner, and at such places as are prescribed by the constitution and laws of this commonwealth.

Passed 21st March, 1808.—Recorded in Law Book No. XI. page 197.

CHAPTER MMDCCCCXXXIII.

An ACT granting an annuity to Thomas Snowden. (c)

Passed 21st March, 1808.—Recorded in Law Book No. XI. page 199.

(c) Thomas Snowden, a sergeant in 1808, to be paid to Hiram M'Neal, of the late revolutionary war, granted forty dollars, and an annuity of forty dollars; commencing the first of January, Montgomery county, &c. to be applied in procuring clothing and diet for said Snowden. (*Note to former edition.*)

CHAPTER MMDCCCCXXXIV.

An ACT to afford immediate relief to James Waters, a soldier during the revolutionary war, and to grant him an annuity. (d)

Passed 21st March, 1808.—Recorded in Law Book No. XI. page 200.

(d) Forty dollars granted, and an annuity of forty dollars; to be paid half yearly to William Boyd, Esq. of Lancaster county, &c. to be by him applied in procuring clothing, lodging and diet for said Waters. (*Note to former edition.*)

CHAPTER MMDCCCCXXXV.

An ACT to alter the time of holding the fairs in the borough of Carlisle, in the county of Cumberland.

SECT. 1. [TIME for holding the fairs in the borough of Carlisle altered to the fourth Thursdays of May and October.]

Passed 21st March, 1808.—Recorded in Law Book No. XI. page 201.

CHAPTER MMDCCCCXXXVI.

1808.

An ACT declaring Big Mahoning creek in Armstrong and Indiana counties a public highway.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* Big Mahoning creek from its confluence with the Allegheny river in Armstrong county, up said creek to the mouth of the Canoe creek in Indiana county, be, and the same is hereby declared a public highway for the passage of rafts, boats and other vessels, and it shall be lawful for the inhabitants and others desirous of using the navigation of the said creek, to remove all natural and artificial obstructions which may be in the same, excepting dams for mills and other water-works, and also to erect such slopes at the mill or other dams in said creek, as may be necessary for the passage of rafts, boats or other vessels: *Provided, Such slopes be so constructed as not to injure the works of such dams: And provided also, That any person or persons owning or possessing lands on said creek, shall have liberty to construct any dam or dams across the same, agreeably and subject to all the restrictions and provisions of an act of the General Assembly of this commonwealth, passed the twenty-third day of March, one thousand eight hundred and three, entitled "An act to authorize any person or persons owning lands adjoining navigable streams of water declared public highways, to erect dams upon such streams for mills and other water-works."*

A certain part of Big Mahoning creek declared a public highway, &c.

Provision in favour of persons owning or possessing lands on said creek.

Passed 21st March, 1808.—Recorded in Law Book No. XI. page 201.

CHAPTER MMDCCCCXXXIX.

A SUPPLEMENT to an act, entitled "A Supplement to an act entitled "An ACT for the more speedy and effectual collection of certain debts due the commonwealth." [Ante. pa. 381.]

WHEREAS the power and authority given to the commissioners, or a majority of them, by the fourth section of the act entitled, "A supplement to the act entitled, "An act for the more speedy and effectual collection of certain debts due the commonwealth," to settle and compromise with any person or persons who may allege title to any of the warrants, lands and estate, subjected by the said section to the said powers and authority, are found not to be so well adapted to the end designed, for want of a more specific designation of the mode of sale to be adopted and pursued by the person or persons who have, or may become parties to such settlement and compromise: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* any person or persons, and the majority of such persons where there are more than two, and the survivor or survivors of such persons as

The persons who may have compromised with the

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commission-
ers for any of
the lands, &c.

may, have, or shall hereafter become a party or parties, to any settlement or compromise with the said commissioners or a majority of them, shall have the same powers and authority as the said commissioners, or a majority of them, have by the several acts of this commonwealth, upon process granted by the governor, as therein prescribed, to make and carry into complete effect a sale or sales of such warrants, lands, tenements, hereditaments, estate and interest whatsoever, which John Nicholson, Esquire, late deceased, had any claim or interest in, and which may be the subject of such settlements or compromises respectively.

A commis-
sion of ten
per cent. al-
lowed to the
commission-
ers, &c.

SECT. II. *And be it further enacted by the authority aforesaid,* That the said commissioners shall be entitled to have and receive a commission of ten per cent. upon the amount of the price bidden by the commissioners for such lands as they may have purchased for the commonwealth, to be paid in the same manner as their other commission.

Certain du-
ties enjoined
on the treas-
urer, &c.

SECT. III. *And be it further enacted by the authority aforesaid,* That the treasurer of this commonwealth, as often as the bonds taken by the aforesaid commissioners, or any instalments thereof, shall become due, shall be, and he is hereby authorized to cause suits to be instituted for the recovery of such bonds, or the instalments thereof, and the necessary expense of prosecuting said suits shall be paid out of the treasury of this commonwealth, and in such suits a copy of the bond or bonds, certified by the treasurer of this commonwealth, shall be competent evidence to maintain the action, as if the bond itself had been procured.

Passed 24th March, 1808.—Recorded in Law Book No. XI. page 203.

CHAPTER MMDCCCCXL.

An ACT to provide for the erection of a house for the employment and support of the poor in the county of Cumberland.

Poor-house
to be erected
in the county
of Cumber-
land.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That a house for the employment and support of the poor shall be erected in the county of Cumberland in the manner and under the conditions hereinafter prescribed and enacted.

Persons to
fix the place
for erecting
the poor-
house to be
elected.

SECT. II. *And be it further enacted by the authority aforesaid,* That the sheriff of Cumberland county in his proclamation, giving notice of the next general election, to be held in said county, shall give notice to the electors at the election aforesaid, under the same regulations as by law said general elections are directed to be held, to elect five reputable citizens of the said county, whose duty it shall be on or before the first day of April next ensuing their election to determine upon and fix the place on which the said buildings shall be erected, and shall certify their proceedings therein, under their hands and seals to the clerk of the Court of Quarter Sessions of the county of Cumberland, to be filed in his office, and also to elect three repu-

Their duty.

table citizens of the said county in like manner, to be directors of the poor, and of the house of employment, for the county of Cumberland, and the judges of election of the said county on receiving the returns from the several election districts, and having cast up the number of votes therein, shall within three days thereafter, certify under their hands and seals the names of the persons so elected to fix on a proper site for the said building, and the names of the directors so chosen to the clerk of the Court of Quarter Sessions of the said county, who shall file the said certificate in his office, and forthwith give notice in writing to the said persons and directors of their being elected, and the said directors shall meet at the courthouse in the said county on the first Monday in November next ensuing their election, and divide themselves by lot into three classes. The place of the first to be vacated at the expiration of the first year; of the second at the expiration of the second year; and of the third at the expiration of the third year; so that those who shall be chosen after the first election, and in the mode above prescribed, may serve for three years. And one third be chosen annually: *Provided always*, That it shall be lawful for the said five citizens or a majority of them to receive proposals for the sale of lands whereon to erect the said buildings and accommodate the same, and to contract for and hold the same, and take conveyances therefor, in the name of the corporation herein after named.

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Directors of the poor to be elected.
Certificate of the elections.

Meeting of the directors and rotation of service.

Directors incorporated.

Style of the corporation.

Its immunities, powers and duties:

Treasurer of the corporation, his qualification and duties.

Employment of a steward, &c.

Of binding out apprentices.

SECT. III. *And be it further enacted by the authority aforesaid*, That the said directors shall forever hereafter in name and in fact be one body politic and corporate in law to all intents and purposes whatsoever relating to the poor of the said county of Cumberland, and shall have perpetual succession, and may sue and be sued, plead and be impleaded by the name, style and title of "The Directors of the Poor and of the House of Employment for the county of Cumberland," and by that name shall and may receive, take and hold any lands, tenements and hereditaments, not exceeding the yearly value of five thousand dollars, and any goods and chattels whatsoever, of the gift, alienation or bequest of any person or persons whomsoever, to purchase, take and hold any lands and tenements within their county, in fee-simple or otherwise, and erect suitable buildings thereon for the reception, use and accommodation of the poor of their respective townships; to provide all things necessary for the reception, lodging, maintenance and employment of the said poor, to appoint a treasurer annually, who shall give bond with sufficient surety for the faithful discharge of the duties of his office, and that at the expiration thereof, he will well and truly pay and deliver over to his successor, all monies, bonds, notes, books, accounts and other papers, to the said corporation belonging, which shall then be remaining in his hands, custody and possession, to employ and at pleasure remove a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other necessary attendants for the said poor respectively; to bind out as apprentices, so that such apprenticeship may expire, if males, at or before the age of twenty-one years, if females, at or before the age of eighteen, such poor children as shall come under their notice, or as may now be bound apprentices by the overseers of the poor, and

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Seal of the
corporation.

to exercise and enjoy all such other powers now vested in the overseers of the poor, as are not herein granted or supplied; and the said directors shall be empowered to use one common seal in all business relating to the said corporation, and the same at their pleasure to alter or renew.

Estimate to
be made of
the expense
of erecting
the build-
ings, &c.

Tax to be
raised for
defraying
the same.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said directors as soon as may be after their election and organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands, erecting the necessary buildings and furnishing the same and maintaining the poor within the said county for one year, whereupon the county commissioners of the said county shall, and they are hereby authorized and required to increase the county tax by one fourth part of the sum necessary for the purposes aforesaid, and shall procure on loan on the credit of the taxes herein directed to be levied, the remaining three fourths thereof to be repaid in instalments with interest out of the county taxes: *Provided always,* That if such loan cannot be made, the whole amount of the sum necessary for the purposes aforesaid or such part thereof as may be deemed proper, shall immediately be added to the county tax to be paid by the county treasurer to the treasurer of the corporation aforesaid, on orders drawn in his favour by the county commissioners as the same may be found necessary: *And provided further,* That the said directors shall annually after the estimate made as aforesaid, make an estimate of the sum necessary for the support of the poor of the said county for the year ensuing, and shall forward the same to the county commissioners, who shall provide by tax or otherwise the sum required by such estimate, and pay the same over to the treasurer of the said corporation as aforesaid.

An annual
estimate to
be made of
the sum ne-
cessary for
the support
of the poor
for the year
ensuing.

Directors to
render their
accounts an-
nually to au-
ditors, &c.

And make a
return of the
persons in
the poor
house.

And submit
their books
to inspection
when requir-
ed, &c.

When and
how the poor
shall be re-
moved to the
building
erected in

SECT. V. *And be it further enacted by the authority aforesaid,* That the said directors shall, at least once in every year, render an account of all the monies by them received and expended to the auditors appointed to audit, and settle the county accounts subject to the same penalties, rules and regulations as are by law directed respecting the accounts of the county commissioners, and shall also, at least once in every year, lay before the Court of Quarter Sessions and grand jury of the said county, a list of the number, ages and sexes of the persons maintained and employed in the said house of employment or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeships as aforesaid, with the names of the masters or mistresses and their trade, occupation or calling, and shall at all times when thereunto required submit to the inspection and free examination of such visitors as shall from time to time be appointed by the Court of Quarter Sessions of the said county, all their books and accounts, together with the rents, interests and monies payable and receivable by the said corporation, and also an account of all sales, purchases, donations, devises and bequests as shall have been made by or to them.

SECT. VI. *And be it further enacted by the authority aforesaid,* That as soon as the said buildings shall be erected, and all necessary accommodations provided therein, notices shall be sent, signed by any two of the said directors to the overseers of the several town-

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pursuance of this act.

Exception as to the sick ; and how they shall be provided for.

Proviso as to the case of a pauper dying, possessed of property.

Directors required to provide for and employ the poor.

Directors may permit poor persons to be maintained elsewhere.

Empowered to make rules and regulations.

Proviso.

ships of the said county of Cumberland, requiring them forthwith to bring the poor of their respective townships to the said house of employment, which order the said overseers are hereby enjoined and required to comply with, or otherwise to forfeit the cost of all future maintenance, except in cases when by sickness or other sufficient cause, any poor person cannot be removed, in which case the said overseers shall represent the same to the nearest justice of the peace, who being satisfied of the truth thereof shall certify the same to the said directors, and at the same time issue an order under his hand and seal to the said overseers, directing them to maintain such poor until such time as he or she shall be in a situation to be removed, then to convey the said pauper and deliver him or her to the steward or keeper of the said house of employment, together with the said order, and the charge and expense of such temporary relief and of such removal, shall be paid by the said directors at a reasonable allowance : *Provided always*, That if upon the death of any pauper it shall appear that such person died possessed of property, the same shall be recovered and collected by, and vested in the directors of the institution aforesaid, and be by them applied to the support thereof, and it shall be the duties of the said directors to give public notice in at least two newspapers, one of which shall be published in the borough of Carlisle for at least four weeks, of the death of such person and the property in their hands and to pay over the same, first deducting therefrom all the expenses incurred on account of such person to his or her heirs or legal representative : *Provided*, The same shall be claimed within three years after the death of such person.

SECT. VII. *And be it further enacted by the authority aforesaid*, That the said directors shall from time to time receive, provide for and employ, according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in the said county of Cumberland, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two justices of the peace, directed to any constable of the said county of Cumberland, or to the overseers, or constable in such counties where there are no overseers, of the proper township in any other county of this commonwealth, and to the said directors of the poor and of the house of employment of the said county of Cumberland, and the said directors are hereby authorized, when they shall deem it proper and convenient so to do, to permit any poor person or persons to be maintained elsewhere.

SECT. VIII. *And be it further enacted by the authority aforesaid*, That the said directors, or any two of them, who shall be a quorum in all cases to do business, shall have full power to make and ordain all such ordinances, rules and regulations as they shall think proper, convenient and necessary for the direction, government and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and of all such persons as shall come under their care or cognizance : *Provided*, The same be not repugnant to this law or any other of the laws of this state or of the United States : *And provided also*, That the same shall not have any

1808. force or effect until they shall have been submitted to the Court of Common Pleas, for the time being, of the said county of Cumberland, and shall have received the approbation of the said court.

A committee of the directors to visit the house of employment monthly.

SECT. IX. *And be it further enacted by the authority aforesaid,* That a committee consisting of at least two of the said directors, shall, and they are hereby enjoined and required to meet at the said house of employment at least once in every month, and visit the apartments, and see that the poor are comfortably supported, and hear all complaints, and redress or cause to be redressed, all grievances which may happen by the neglect or misconduct of all persons in their employment or otherwise.

Compensation of the directors.

SECT. X. *And be it further enacted by the authority aforesaid,* That the said directors shall each of them receive for their services twenty dollars per annum, to defray the expenses of their necessary attendance on the duties of their offices.

Of supplying vacancies in the directors, &c.

SECT. XI. *And be it further enacted by the authority aforesaid,* That in case of any vacancy or vacancies, by death, resignation, removal, neglect, refusal, or otherwise, of any of the said directors, a majority of the remaining directors shall fill such vacancy, or vacancies, by appointment of a citizen of their said county, to serve until the next general election, when another director shall be elected to serve for the period which such director was to have served, if no such vacancy had happened.

Overseers of the poor to pay over taxes remaining in their hands to the supervisors of the highways.

SECT. XII. *And be it further enacted by the authority aforesaid,* That all the taxes which shall have been levied for the purpose of maintaining the poor of the several townships of Cumberland county, at the time when the first county poor tax shall be assessed, levied and collected, shall be collected and paid over by the said overseers, to the supervisors of the highways of their respective townships, to be by them applied towards the repairing of the roads therein.

When the office of overseer of the poor in Cumberland county shall be abolished.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That as soon as the poor of the county of Cumberland shall be removed to the house of employment of the said county, and the outstanding poor taxes collected, the office of overseer of the poor within the said county, shall from thenceforth be abolished.

Repeal of laws hereby supplied.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That so much of the laws of this commonwealth, relating to the poor, as is by this act altered or supplied, be, and the same is hereby repealed.

Compensation to the persons appointed to fix on the site of the poor house.

SECT. XV. *And be it further enacted by the authority aforesaid,* That the commissioners of the said county, are hereby authorized and empowered to pay to the persons who are appointed by this act, to fix the place where the buildings for the accommodation of the poor in said county shall be erected, such sums of money as will be sufficient to reimburse them for their expenses, and also to pay to each of the said directors such sum of money as (together with the annual sum allowed them by this act) may be, in the opinion of the commissioners, a reasonable compensation for their services during the time they are carrying on and erecting the buildings aforesaid: *Provided,* The said buildings shall be completed within five years from the passing of this act.

Additional compensation to the directors.

CHAPTER MMDCCCCXLII.

An ACT granting an annuity to Christian Shockey. (c)

Passed 24th March, 1808.—Recorded in Law Book No. XI. page 209.

(c) Forty dollars granted and an annuity of forty dollars to be paid half-yearly to Alexander Ogle or his representatives, and to be expended for the use of said Shockey. (*Note to former edition.*)

CHAPTER MMDCCCCXLIII.

An ACT incorporating the Roman Catholic congregation of Christ church, in the borough of West-Chester, in the county of Chester, and for other purposes therein mentioned.

Passed 24th March, 1808.—Local act.—Recorded in Law Book No. XI. page 210.

CHAPTER MMDCCCCXLIV.

An ACT to authorize the commissioners of the county of Northampton, to affirm a contract made with Jacob Stroud.

SECT. 1. [THE commissioners of Northampton county authorized to affirm a parol contract entered into with Jacob Stroud, for the erection of a wooden bridge over Jones's creek.]

Passed 24th March, 1808.—Local act.—Recorded in Law Book No. XI. page 212.

CHAPTER MMDCCCCXLV.

An ACT to enable the Governor to incorporate a company for making an artificial road from the city of Philadelphia, by Chad's ford on Brandywine to the line of the state, in a direction towards Baltimore.

SECT. 1. [COMMISSIONERS appointed to open books and receive subscriptions to the Philadelphia, Brandywine and New London turnpike road. Form of subscription prescribed. Manner of giving notice of the time and place of opening the books to receive subscriptions. Who may subscribe. Number of shares to be subscribed in the different books. Books may be transferred from place to place until the subscriptions be completed. 2. Total number of shares to be subscribed. Sum to be paid for each share on subscription. Number of subscribers, &c. to be certified by the commissioners to the governor. Who shall thereupon erect the subscribers into a body politic, &c. by the style of "The President, Managers and Company, of the Philadelphia, Brandywine and New London turnpike road," with the usual corporate powers. 3. Notice to be given when letters patent shall be obtained. Time when the said corporation shall be organized. Officers to be chosen, and

1808.

(See the act
referred to,
ante. pa.
251.)

of making by-laws. Breadth, elevation and route of the road, and the company to be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like tolls and profits as is given and granted to the president, managers and company of the Springhouse and Bethlehem turnpike company, in and by an act of the assembly, passed the fourth day of April, one thousand eight hundred and five, entitled, "An act to enable the governor to incorporate a company to make an artificial road from the Springhouse tavern, in Montgomery county, through Strawn-town in Bucks county, to Bethlehem in Northampton county," except the twenty-third section of said act. 4. Regulations of the burthen of carriages to be drawn along said road. Time for commencing and completing the road. Powers of resumption.]

Passed 24th March, 1808.—Recorded in Law Book No. XI. page 213.

CHAPTER MMDCCCCXLVII.

A SUPPLEMENT to the act for the regulation of the militia of the commonwealth of Pennsylvania.

The militia
may be exer-
cised in bat-
talions in-
stead of regi-
ments :
And in the
first division
there may be
regimental
instead of
company or
battalion
trainings.
Of giving no-
tice thereof.

Proviso in
favour of the
141st regi-
ment.

Of additional
volunteer
companies.

How to be
raised.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the field officers of any regiment, or a majority of them, shall have power to direct training or exercising in battalions instead of regiments, and that either of the brigadiers general in the first division, and the field officers belonging to either of the brigades in the said division, or a majority of them, shall be authorized to direct regimental instead of company or battalion trainings, and on notice being given by either of the brigadiers general of the said division to the brigade inspector of the proper brigade, that such regimental trainings are ordered, it shall be his duty to notify the same in the manner herein before directed in the case of regimental trainings: Provided nevertheless, That the field officers of the one hundred and forty-first regiment, commanded by colonel Wilkins, or a majority of them, shall have power to direct training in regiment instead of battalion.*

SECT. II. *And be it further enacted by the authority aforesaid, That whenever the field officers of any regiment, or a majority of them, shall deem it expedient, there may be raised one company of light infantry, grenadiers, riflemen or pikemen to each battalion consisting of two hundred and fifty enrolled militia, in addition to those authorized by the act to which this is a supplement, who shall be subject to the same regulations and restrictions provided in and by the said act. And whenever they shall have determined that any additional companies are necessary, they shall certify such determination to the brigade inspector, who is hereby authorized to direct an election to be held for such company or companies, in such manner as is provided by the act to which this is a supplement. And on a certificate signed by the field officers aforesaid that there are thirty men in complete uniform, the governor is hereby required*

to commission the officers legally elected and returned as well of those companies already raised, as of those hereafter to be raised. 1808.

SECT. III. *And be it further enacted by the authority aforesaid,* That in case the election of a brigadier general, or brigade inspector is contested, no complaint or petition shall be acted upon after the lapse of thirty days, if the election of a field officer, not after twenty, and if the election of a company officer not after ten.

Limitation of time for contesting elections.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if any subaltern officer shall appear on parade without uniform six months after his being commissioned, such officer shall be fined one dollar for every offence, and that if any other officer shall appear on parade without uniform as aforesaid, such officer shall be fined two dollars for every offence.

Penalty on officers appearing on parade without uniform.

SECT. V. *And be it further enacted by the authority aforesaid,* That the age and ability of any enrolled person to bear arms, shall be determined in the first instance by the captain or commanding officer of a company, with such right of appeal as may be had in any other case.

How the age of enrolled persons is to be determined in the first instance.

SECT. VI. *And be it further enacted by the authority aforesaid,* That if any spectator or by-stander, shall abuse, molest or strike any one on parade or under arms, the person so offending shall be immediately put under arrest or guard, and kept at the discretion of the commandant of the regiment, company or corps, until the regiment, battalion or company is dismissed.

By-standers molesting those on parade may be put under arrest.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the troops of cavalry, and the companies of artillery, riflemen and light infantry, forming the militia legion of Philadelphia, shall be authorized to elect a lieutenant-colonel-commandant and such other field officers as the legion or a majority of them may deem expedient in such manner as other officers of the same grade are made eligible by law, who shall be commissioned by the governor, and the members of the said legion shall have power to enact by-laws for their own government, so far as to fix as many days of training over and above those established by law, as any board constituted by themselves shall agree upon, and to levy and collect such fines for non-attendance on days of training, or for absence from any meeting agreed upon by any by-law, which fines shall be collected by any person authorized by the commanding officer of any company or troop or the commandant of the legion, by virtue of his warrant under his hand and seal, and the fines so collected shall be applied to the purpose of paying the expenses of the said legion. And in case of a call for the quota of militia of this commonwealth or for volunteers therefrom, the aforesaid legion may tender their services to the president of the United States, or to the governor of this commonwealth, or in case no such tender of service be made, the tour of duty of said legion may be performed in their legionary capacity: *Provided,* That nothing herein contained shall be understood to exempt any of the companies or troops aforesaid, from training with the regiments to which they respectively belong on those days required by law for regimental or brigade trainings.

Special provisions in favour of the militia legion of Philadelphia.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the articles, rules and regulations for the government of the militia, shall extend to the musicians thereof.

The regulations for the government of the militia extended, &c.

1808.

The cavalry and artillery companies to be attached to the respective regiments, &c.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the troops of cavalry already raised or hereafter to be raised, shall be attached to the respective regiments, not more than two troops to each regiment, and that the companies of artillery not belonging to the regiment commanded by lieutenant-colonel Connelly, shall be in like manner attached to the regiments, not more than one company to each, and the troops of cavalry, and the companies aforesaid shall be subject to the same fines for their absence from regimental trainings as the members of other militia corps.

The governor empowered on a call of the militia into actual service, &c.

SECT. X. *And be it further enacted by the authority aforesaid,* That whenever the militia are called into the actual service of this state or of the United States, it shall and may be lawful for the governor to organize the light infantry, grenadiers, riflemen and pikemen, into brigades, regiments or battalions, in such manner that each regiment shall consist of not less than four hundred, each battalion of not less than two hundred, and each company of not less than fifty men, to be officered as follows: *viz.* To each brigade one brigadier-general, to be elected by the officers and privates of the brigade, and one brigade-major with the rank of major, to be appointed by the brigadier-general, to each regiment one lieutenant-colonel-commandant, and to each battalion one major, to be elected by the officers and privates of the regiment at the general rendezvous, in such manner as other officers of the same grade are made eligible by law.

The governor empowered to furnish the commandants of artillery corps, occasionally, with ammunition, &c.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the governor shall cause to be delivered to the commandant of the regiment of artillery of the city and county of Philadelphia, and to the commandants of other artillery corps from time to time, such ammunition as he shall judge necessary for the public good, to be expended in practising with field artillery, mortars or other useful experiments, and the expenses for repairs of the arsenal, carriages, implements and the hire of horses, shall be paid for by the treasurers of the respective counties, on a certificate signed by the lieutenant-colonel or commanding officer of the regiment or company, out of the exempt fines, and the county treasurers, on producing such certificate, shall be allowed therefor in the settlement with the officer of the department of accounts.

How the expenses of repairs of the arsenal, carriages, &c., are to be defrayed.

No person to perform a second tour of duty until, &c.

SECT. XII. *And be it further enacted by the authority aforesaid,* That the performance of a tour of duty heretofore, or the payment of an equivalent therefor, shall exempt any militia-man, or exempt from a second tour until every class shall have performed its tour or paid its equivalent therefor.

Of determining the rank of lieutenant-colonels, majors, &c.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the rank of the lieutenant-colonels of regiments, majors of battalions and the captains of companies, when the same has not been already done, shall be determined by lot, and their respective stations in brigade and in regiment, excepting the flank companies whose rank shall be according to seniority, when the same can be ascertained, otherwise by lot, shall be according to the rank thus drawn: The command of the first battalion of each regiment shall devolve on the major who draws the number of precedence, and in case of the call of a detachment of the militia, the brigadier-general of each brigade shall designate the majors who are to serve in

such manner that no second tour of duty shall devolve upon any one until all the others shall have served.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That the brigadier-general of each brigade shall appoint the brigade-quarter-master, and the brigade-inspector shall make return to the governor of the brigade-major, and the brigade-quarter-master appointed, who shall thereupon issue commissions to them, and commissions shall likewise be issued by the governor to the aids-de-camp of the major-general on return being made by him to the governor of such appointments.

Of the appointment of brigade-quarter-masters, &c.

SECT. XV. *And be it further enacted by the authority aforesaid,* That when any detachment of militia shall be called to hold themselves in readiness for actual service, such detachment shall be mustered and inspected by the respective brigade-inspectors within their respective regimental bounds, and such detachment shall not be marched to the general rendezvous, but when such detachment is actually required to take the field.

Of detachments called to hold themselves in readiness for actual service.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That the governor be, and he is hereby authorized to issue the arms now in the possession of the commonwealth, and not distributed among the militia, to the brigade-inspectors of the different brigades, on their application for the same, to be by them distributed to such companies of the militia as have or shall offer their services to their country, according to the act of congress, but nothing in this section shall be construed to authorize the brigade-inspectors to apply for such arms until the officers of such companies shall have given to the inspectors satisfactory security, that the same arms they may receive shall be kept in perfect repair and returned whenever the law shall require it.

Of the further distribution of the public arms.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That so much of the forty-second section of the act to which this is a supplement, as allows compensation to the commissioned and staff officers on their days of training, and every other part of the said act which is altered or supplied by this, be, and the same are hereby repealed.

Repealing clause.

Passed 26th March, 1808.—Recorded in Law Book No. XI. page 217.

CHAPTER MMDCCCCXLVIII.

An ACT granting certain powers to the inhabitants of the northern part of the township of Moyamensing.

WHEREAS a part of the township of Moyamensing, within the following bounds, *to wit* : Beginning at the north end of Passyunk road, and continuing on the west side thereof to Federal-street, thence westward along the said Federal-street, on the south side thereof, to the boundary line of the township of Passyunk, thence northward along the said township line to Cedar-street, thence eastward on the south side thereof, to the place of beginning, has become populous, and is daily becoming more so, and the freeholders

1808. thereof are erecting buildings and making improvements, but for want of some public and general regulations, the buildings are irregularly placed, and it has become necessary that the lines of the streets and alleys should be laid out and surveyed, to insure more regularity in future: Therefore,

Commissioners appointed to survey the streets, &c. within a certain described part of the township of Moyamensing;

and lay out new streets, &c.

A correct draught thereof to be made and returned to the Court of Quarter Sessions, &c.

Objections thereto to be heard and decided by the court, &c.

In case of the death, resignation, &c. of any of the commissioners, the vacancies to be supplied by the governor.

Compensation of the commissioners.

Commissioners' accounts how to be settled and paid.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Philip Peltz, John Kessler and John Maitland, be, and are hereby appointed commissioners, who or any two of them, taking to their assistance an able surveyor, shall have full power and authority, and are hereby enjoined and required to survey the streets, lanes, alleys and roads already laid out and within the district before described; and also to lay out such other streets, lanes, alleys and roads, within the said district, as they shall deem necessary for the convenience and accommodation of the inhabitants thereof; and it shall be the duty of the said commissioners, after having made such survey, and laid out such streets, lanes, alleys and roads as they shall deem proper as aforesaid, to make or cause to be made a correct draught or plan thereof, with every explanation necessary for the perfect understanding of the same, and return it to the Court of Quarter Sessions for the county of Philadelphia, and it shall be the duty of the clerk of the said court to receive and file the said draught or plan in his office, for public inspection and examination, and to give public notice in at least two of the daily newspapers published in the city of Philadelphia, that on a certain day, to be appointed by the court, the said court will hear any objections that may be made thereto by any of the freeholders residing within the said district, who shall consider themselves aggrieved, and the said court shall at the time appointed, adjudge and determine whether the same shall be fully and finally established, and whether any and what alteration shall be made therein, and shall direct the said draught or plan with such alterations as shall be made, to be recorded, and from thenceforth all the streets, lanes, alleys and roads, so approved, shall be forever hereafter deemed, adjudged and taken public highways.*

SECT. II. *And be it further enacted by the authority aforesaid, That in case of the death, resignation or refusal to serve of any of the said commissioners, the governor shall appoint one or more proper person or persons to supply his or their place or places, from time to time, until the end of this act shall be fully answered, which person or persons so to be appointed, shall have the same powers as if he or they were named in this act.*

SECT. III. *And be it further enacted by the authority aforesaid, That the said commissioners shall be allowed the sum of two dollars for each and every day they shall be employed in performing the duties by this act required, and also their reasonable costs and charges in procuring the surveys and draughts herein before directed to be made.*

SECT. IV. *And be it further enacted by the authority aforesaid, That the said commissioners, having first settled their accounts with three of the justices of the peace for the county of Philadelphia,*

shall be entitled to draw orders on the supervisors of the township of Moyamensing, for their said expenses and allowances, who are hereby required and enjoined to pay the amount of such orders, and the same shall be allowed to the said supervisors in the settlement of their accounts.

SECT. V. *And whereas* the public convenience will be at present answered by the certain knowledge where and in what manner such streets, lanes, alleys and roads will in future run, but it will not be necessary immediately to lay all of them open, in order therefore to provide for the opening of the same from time to time, as the increasing improvements shall require : *Be it hereby further enacted by the authority aforesaid,* That upon the petition of any number of freeholders of the said district, not less than twenty, whose lands lie near or adjoining to such streets, lanes, alleys and roads, to open any one or more of the said streets, lanes, alleys and roads, it shall and may be lawful, to and for the Court of Quarter Sessions of the county of Philadelphia, after hearing the petitioners and such other freeholders, through whose lands such road or street shall pass, as shall offer objections thereto, to appoint viewers to report whether it be proper at the time to open such street or road, and if they shall be of opinion that the state of improvement in the neighbourhood thereof shall require it, they shall issue an order to the supervisors of the roads of the township of Moyamensing, requiring and enjoining them to open such street or road, and to cause the same to be put in order and kept in repair, in the same manner as other streets or roads are by law to be opened, repaired and maintained ; and the owner or owners of ground through and over which any of the streets, lanes, alleys or roads shall pass, shall proceed in the same manner to obtain indemnification for any injury they may sustain thereby, as if the said roads, streets, alleys or lanes had been opened in the manner usually pursued for opening roads.

Provision for opening, in future, streets, lanes, &c. within said district.

How the owners of ground, through which such streets, lanes, &c. may pass, are to be indemnified.

SECT. VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the freemen residing within the limits aforesaid, and who shall have resided therein immediately preceding the day of election, and who are or shall be otherwise qualified to vote for members of the general assembly, to meet together at the house of John Thompson, for the first election and afterwards at such place within the said district, as the regulators for the time being may appoint, between the hours of two and eight in the afternoon, on the first Monday in the month of May next, and on that day in the same month annually, and then and there choose by ballot out of the inhabitants residing within the said district, qualified to serve if elected in the general assembly of this commonwealth, on the first election, three suitable persons for street regulators, but if any vacancy should happen by death, resignation or otherwise, then such vacancy may be supplied by a special election.

Of choosing street regulators.

SECT. VII. *And be it further enacted by the authority aforesaid,* That all elections to be held in pursuance of this act, shall be conducted by two judges and one clerk, who shall be elected in the same manner and in the same place as the regulators, on the Saturday preceding the election of the said regulators, five days previous

How the elections are to be conducted.

1808. notice of the time and place of such election being publicly given by the regulators for the time being, and each of the said judges and clerk before entering on the duties in and by this act enjoined, shall take an oath or affirmation well and faithfully to discharge the same, and the said judges shall receive and count the votes and declare and notify the persons that are duly elected.

Duties of the regulators.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the regulators so chosen shall together with the supervisors of the roads of the township of Moyamensing, regulate, or cause to be regulated, all the streets, lanes, alleys or roads within the bounds before mentioned, that are or shall be of the width of twenty feet or more, but no street, lane or alley so to be regulated, shall be of greater width than fifty feet, and also shall ascertain, fix, alter and regulate the water courses within the said limits, and in case of complaints or dispute between the owners of adjoining lots, the said regulators shall fix the depth and situation of privies thereon, and fix the depth of privies generally, and if any person or persons shall oppose the said regulators or attempt to prevent them from performing the duties assigned to them by this act, or shall dig and erect and cause to be dug and erected, any privy or privies contrary to the directions of the said regulators relative thereto, the person or persons so offending shall upon conviction before any justice of the peace of the county of Philadelphia, forfeit and pay the sum of twenty dollars.

Penalty on persons opposing them.

Of paving footway.

SECT. IX. *And be it further enacted by the authority aforesaid,* That whenever and as often as application shall be made to the regulators in writing by a majority of the freeholders whose lots are improved, residing within the limits described in the first section of this act, stating that in their opinion it would be for the interest of the neighbourhood that certain footways should be paved, it shall be the duty of the regulators forthwith to examine the said footways, and if they see fit, to cause the said footways and gutters adjacent to be paved with brick or flat stones or gravel as the case may require, and to place posts or curb-stones to prevent the same from being injured by carriages: *Provided,* That the greater part of the space so to be paved, shall be built upon and improved: *And provided also,* That all and every owner and owners shall have the privilege of paving their own fronts in manner aforesaid, so that they may have the pavement completed in three months after notice given for that purpose by the regulators: *And provided further,* That no person shall be obliged to pave any footway to a greater breadth than four feet in front of any lot wheron a dwelling-house is not erected.

Owners to have the privilege of paving for themselves.
Breadth of the pavement.

How the expenses of paving are to be defrayed.

SECT. X. *And be it further enacted by the authority aforesaid,* That the said regulators previously to paving as aforesaid, shall make an estimate of the expense thereof, and apply by written notice to the several owners of lots and buildings within the space contemplated, to be paid for their respective proportions, and in case any owner or owners shall neglect or refuse to pay such amount, or to pave his or their own fronts in manner aforesaid for the space of three months after notice as aforesaid, it shall and may be lawful for the said regulators to make or cause to be made the said pave-

1808.

ment, and the owner or owners so refusing shall be liable to the regulators for the expense so incurred in their proper proportions, together with legal interest which may be recovered in an action of debt before any justice of the peace in the county of Philadelphia.

SECT. XI. *And be it further enacted by the authority aforesaid,* That if the owner or owners of the lots or buildings within the space so contemplated, to be paved as aforesaid, are minors, married women or absent persons, then the like notice may be given to their guardians, trustees or agents, and the like proceedings may be had, and they the said guardians, trustees or agents, shall be liable to the said regulators, in the same manner, and to the same extent, as if they were the actual owners of the said lots and buildings, and shall be allowed the expense of the pavement, in the settlement of their accounts, with their principal or principals.

In case the owners be minors, married women, or absentees.

SECT. XII. *And be it further enacted by the authority aforesaid,* That if any person shall wilfully ride, lead or drive any horse, or shall drive any cart, waggon or carriage on or over any of the paved footways of the aforesaid streets, lanes or alleys, every such person shall for every such offence, forfeit and pay the sum of one dollar, to be sued for and recovered as hereinafter directed.

Penalty on persons wilfully riding, &c. over the paved footways.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the said regulators upon application being made to them, shall have power to enter upon the land of any person or persons in order to mark out the foundations and regulate the walls to be built between party and party, as to the breadth or thickness thereof, which foundation shall be equally laid on the lands of the parties between whom such a party wall is to be built, and the first builder shall be reimbursed, one moiety of the charge of such party wall, or such part thereof as the next builder shall have occasion to occupy before the next builder shall use or break into the said wall, the charge or value whereof to be fixed by the said regulators or by referees mutually chosen by the parties.

Powers of the regulators in relation to party walls.

How the expense of party walls is to be borne.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall begin to lay the foundation of any party wall or building, unless the other party or parties being of full age and unmarried, or if under age or married, their guardians, trustees or agents agree and consent thereto, or if any wall fronting on the streets, lanes or alleys, so as to encroach on lines or limits established by the said regulators and supervisors, or by the said regulators, or proceed otherwise than in the manner directed by the said regulators, every such person or persons, whether owner or builder shall forfeit and pay the sum of twenty dollars, to be sued for and recovered as hereinafter directed.

Penalty on any person laying the foundation of a party wall or building without the consent of the adjoining owner, &c.

SECT. XV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said regulators to raise the sum of two hundred dollars annually, by laying a rate or rates not exceeding ten cents in the one hundred dollars, on the value of the real and personal estates of the freeholders and inhabitants within the limits of Passyunk road, Cedar-street and Eighth-street, agreeably to the last assessment for raising county rates and levies, and the money thereby raised shall be applied by the said regulators to

Regulators empowered to levy a tax for defraying the expense of sinking and mending pumps, &c.

1808. defray the expenses of sinking and mending pumps within the last described limits, and of doing other acts and things necessary thereto. And the sum so assessed shall be collected by the persons appointed to collect the county tax, and who shall reside within the township of Moyamensing, in the same manner and under like penalties, and with the same right of appeal as in the case of the county-tax; and the warrant of the said regulators shall be a sufficient authority to the said collectors to collect the same.

How to be collected.

Penalty on persons laying lumber in the streets without permission from the regulators, &c.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall lay or cause to be laid any materials for building or other lumber, in any part of the streets, lanes or alleys included in the limits described in the fifteenth section of this act, without having first obtained the permission of the regulators and one supervisor or of any two of them for that purpose, he or they shall forfeit and pay the sum of four dollars, to be sued for and recovered as hereinafter directed.

Penalty on persons suffering their chimnies to take fire for want of sweeping.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That if the chimney of any person or persons within the limits described in the fifteenth section of this act, shall take fire and blaze out at the top, the same not having been swept within the space of one calendar month next before the time of such fire, every such person or persons shall forfeit and pay the sum of three dollars, to be sued for and recovered as hereinafter directed.

How fines and forfeitures incurred under this act are to be recovered and appropriated.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That the several fines and forfeitures which may accrue by virtue of this act, may be sued for and recovered by action of debt, before any justice of the peace in the county, the moiety whereof shall be retained by the said justice, and by him paid over to the said regulators, and the other moiety shall go to the benefit of the poor of the township, saving however to either party, the right of appeal.

Compensation of the regulators.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That the said regulators shall be allowed the sum of two dollars per day, when they shall be employed in ascertaining and regulating the foundation of any party wall or front wall, to be paid by the party employing them, and the sum of twenty dollars per year for a clerk or secretary to assist them in managing and transcribing their proceedings in the business aforesaid, and their reasonable costs and charges in procuring the surveys and draughts therein necessary, and the said regulators shall receive no other compensation than is before specified for any other services.

Regulators to exhibit their accounts annually for settlement, &c.

SECT. XX. *And be it further enacted by the authority aforesaid,* That the regulators on the first Monday in May, in each and every year shall produce a full and fair statement of the monies which have come into their hands and the expenses which they have incurred to the auditors elected to examine the accounts of the supervisors of the roads of the said township, who after adjusting the same, shall publish them in one of the newspapers published in the city of Philadelphia.

Penalty on persons breaking or damaging pumps within the district.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That any person or persons who shall wilfully and maliciously break and carry away the handles of any of the public pumps within the said limits, or otherwise injure and damage the same, and shall be

1808.

thereof legally convicted before any justice of the peace, shall forfeit and pay not less than one nor more than ten dollars for each and every pump so broken and damaged.

Of the appointment of overseers of the poor within said district.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That one of the overseers of the poor who shall be nominated and appointed, and shall take upon themselves the duties of the said office within the said township of Moyamensing, on the twenty-fifth day of March next or afterwards, as immediate successors of the present overseers of the poor, shall not continue in office longer than six calendar months, to be determined by lot, and the other overseers shall continue in office until the third Monday of March, one thousand eight hundred and nine, and that on the third Monday of September next, or within ten days after the justices of the peace for the county of Philadelphia, or any three or more of them, shall meet at the county court-house in the city of Philadelphia, and then and there appoint and constitute a successor to serve for one year in the stead of him who shall be appointed as aforesaid for six months, and so every third Monday of March, and every third Monday of September yearly, the said justices shall meet at the said court-house, and shall then and there appoint and constitute one of the said overseers in order that there may be always some experienced person in office; and if any person who shall be appointed an overseer of the poor in pursuance of this act, shall refuse or neglect to serve in the said office, he shall be fined in like sum, and the said fine shall be levied in like manner, and go to the same uses as if such person had been appointed on the twenty-fifth day of March, and had refused or neglected to serve thereupon.

Penalty on refusing or neglecting to serve.

Powers and duties of the supervisors, &c. not to be affected by this act except, &c.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That the powers and duties of the supervisors of the highways and overseers of the poor of the township of Moyamensing, shall not be affected or altered by any thing contained in this act, except that the time of election of supervisors, constable and auditors, shall for the future open as usual and continue till eight o'clock. The auditors shall settle the accounts of the overseers of the poor every six months.

Passed 26th March, 1808.—Recorded in Law Book No. XI. page 220.

CHAPTER MMDCCCCXLIX.

An ACT supplementary to an act passed the second day of March, one thousand eight hundred and five, entitled "An act to organize the provisional county of Armstrong." [Ante pa. 212.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That actions of trespass and ejectment for trial of titles to land, actions of trespass, *quare clausum fregit*, for entry into any land or tenements within the county of Armstrong, which may have been commenced in the county of Allegheny, prior to the first Monday in November, one thousand eight hundred and five, and are yet pend-

Actions of trespass and ejectment, &c. for lands within the county of Armstrong, commenced in the county of Allegheny.

1808. ny, prior to the first Monday of November, 1808, to be transferred to the courts of Armstrong county, &c. The prothonotary of Allegheny county required to prepare a docket of all such actions for the prothonotary of Armstrong county, who shall pay for the same, to be reimbursed by the said county, &c.

ing and undetermined, shall be transferred to the Court of Common Pleas, and Circuit Courts of Armstrong county, there to be proceeded on to trial and determination according to law, in the same way, and subject to the same rules as they or any of them were in the county of Allegheny on the said Monday, and the prothonotary of Allegheny county shall, and hereby is required to make out a transcript docket, containing a statement of all such actions then pending and yet remaining undetermined in the said county of Allegheny, at or before the first Monday of June next, and shall have said docket, together with the records, declarations and other papers relative to any such actions as may be yet pending and undetermined as aforesaid ready to be delivered to the prothonotary of Armstrong county, who before he receives the same shall pay to the prothonotary of Allegheny county, for every action so transcribed as aforesaid, the usual fees allowed for similar services, which shall be reimbursed to him by the county as aforesaid, and all actions transferred as aforesaid by the prothonotary of Allegheny county to the prothonotary of Armstrong county, shall be considered as pending in the Courts of Common Pleas and Circuit Court of Armstrong county, from and after the aforesaid first Monday of June next, as effectual to all intents and purposes, as if the same had been originated and commenced in the county of Armstrong, any law or laws to the contrary notwithstanding.

Passed 26th March, 1808.—Recorded in Law Book No. XI. page 226.

CHAPTER MMDCCCCL.

An ACT to establish a public ferry on the north side of the West Branch of the Susquehanna river, in the county of Lycoming, and to vest the right thereof in Martin Updegraff, his heirs and assigns.

SECT. 1. [MARTIN UPDEGRAFF and his heirs authorized to have a ferry over the west branch of the Susquehanna. To keep the same in good order and repair. &c. Ferriages allowed. Proviso, not to land on the property of others without consent.]

Passed 26th March, 1808.—Recorded in Law Book No. XI. page 227.

CHAPTER MMDCCCCLI.

An ACT to vest in, and confirm to the elders and wardens of the joint congregations of Lutherans and German Reformed church, in Bern township, in the county of Berks, the title to a tract of land therein mentioned.

Passed 26th March, 1808.—Private Act.—Recorded in Law Book No. XI. page 228.

CHAPTER MMDCCCCLII.

1808.

An ACT supplementary to an act, entitled "An act to organize the provisional county of Venango." [Ante. pa. 249.]

WHEREAS it has been represented to the legislature by a number of petitioners from the inhabitants of the town of Franklin, and its vicinity, that much dissatisfaction has been excited in the minds of the owners of property in said town, on account of the uncentral situation in which it appears likely the public buildings must be erected, and as it appears that no power is lodged with the commissioners to place the public buildings in High-street, which is sufficiently wide for that purpose, which situation if chosen, would give public satisfaction: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of Venango county be, and they are hereby required when they shall think it proper to erect a court-house in the town of Franklin, to erect the same in the centre of High-street, an equal distance from the corners of the public square which adjoins said street, any former law to the contrary notwithstanding: *Provided,* The Court of Quarter Sessions of the county shall give it as their opinion, that the county commissioners may, consistently with the nature of the contract which they have made for the erection of the public buildings on the public ground in the said town, change the site which they have fixed upon; and also that the grand jury of the county of the next Court of Quarter Sessions after the publication of this act, shall give it as their opinion, that the change of the site to the centre of High-street, would be of public convenience and utility.

The site fixed for the court-house in the town of Franklin, Venango county.

Proviso-

Passed 26th March, 1808.—Recorded in Law Book No. XI. page 228.

CHAPTER MMDCCCCLV.

An ACT to vest in and confirm to the elders and wardens of the joint congregations of Lutherans and German Reformed church of Zion in Windsor township in the county of Berks, the title to a tract of land therein mentioned.

Passed 26th March, 1808.—Local Act.—Recorded in Law Book No. XI. page 230.

CHAPTER MMDCCCCLXI.

An ACT supplementary to an act, entitled "An act to erect the town of Cannonsburg in the county of Washington into a borough." [Vol. 3, pa. 498.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That

1808.

Time for electing borough officers in the borough of Cannonsburg, altered.

from and after the passing of this act, the inhabitants of the electing borough of Cannonsburg in the county of Washington, who are entitled to the privilege of electors, by the act to which this is a supplement, shall hold their annual election for borough officers, on the third Friday in March, in each and every year, any law to the contrary notwithstanding.

Passed 26th March, 1808.—Recorded in Law Book No. XI. page 233.

CHAPTER MMDCCCCLXII.

An ACT declaring Little Juniata river, in the county of Huntingdon, a Public Highway.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the Little Juniata river from Logan's Narrows, to the mills of Edward Bell, in Allegheny township, Huntingdon county, be, and the same is hereby declared a public highway, for the passage of rafts, boats and other vessels, and it shall be lawful for the inhabitants and others desirous of using the navigation of the said river, to remove all natural and artificial obstructions which may be in the same, excepting dams for mills and other water-works, and also to erect such slopes at the mill or other dams in said river as may be necessary for the passage of rafts, boats or other vessels: *Provided*, Such slopes be so constructed as not to injure the work of such dams: *And provided also*, That any person or persons owning or possessing lands on said river shall have liberty to construct any dam or dams across the same, agreeably and subject to all the restrictions and provisions of an act of the General Assembly of this commonwealth, passed the twenty-third day of March, one thousand eight hundred and three, entitled "An act to authorize any person or persons owning lands adjoining navigable streams of water, declared public highways, to erect dams upon such streams for mills and other water-works."

Part of Little Juniata, in Huntingdon county, declared a public highway.

Proviso in favour of persons owning or possessing lands on said river.

Passed 26th March, 1808.—Recorded in Law Book No. XI. page 233.

CHAPTER MMDCCCCLXV.

An ACT to amend certain parts of an act, entitled "An act supplementary to the several acts of this commonwealth, concerning Partitions and for other purposes therein mentioned."

[Ante, p. 398.]

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* instead of the provision in the third section of the act entitled "An act supplementary to the several acts of this commonwealth, concerning partitions and for other purposes therein mentioned," passed

Alteration of the notice required by the third section of the principal act.

1808.



April seven, one thousand eight hundred and seven, which requires the publication of the copy of the writ of partition in certain cases in one daily newspaper of the city of Philadelphia, for the space of two months prior to the return day thereof, which by experience is found to be grievous and unnecessarily expensive, it shall be sufficient to make publication of the nature and substance of any such writ of partition, and if such publication be made in such daily newspaper one day in each week for six weeks successively, prior to the return day of the writ, and in the same manner in one newspaper printed within or nearest to the county where such writ is to be executed, it shall be deemed an effectual service in the cases by the said section intended to be provided for any thing therein to the contrary notwithstanding.

And also of the notice required by the eighth section of said act.

Where all the children of the intestate refuse to accept the estate at the valuation and desire the same may be sold, the court may order the sale thereof, without granting a rule to shew cause, &c.

Confirmation of proceedings had and decrees made by the Orphans' Court under a former act of Assembly.

In case of a decree by the Orphans' Court of the sale of an intestate's estate by the administrators. Said courts authorized to require security, &c.

SECT. II. *And be it further enacted by the authority aforesaid,* That the publication of the notice required in and by the eighth section of the said act, after an appraisement or partition of an intestate's estate, shall be deemed sufficient if published in at least one newspaper, printed in the proper county, or if there be none therein, then in the county nearest thereto wherein a newspaper may be published, and at least once a week for four weeks successively, prior to the return thereof, in one daily newspaper of the city of Philadelphia. And on any application for a valuation or partition of an intestate's estate, where any of the children or legal representatives reside out of the county wherein the lands lie, notice in like manner may be given where personal notice cannot be given as required by the said section, of the time and place of executing the order of the court and taking the inquisition thereon. And if upon the return of any such inquisition, all the children or legal representatives of the intestate shall appear in court personally or by guardian or attorney in fact duly constituted, and refuse to accept of the estate or any part thereof if divided at the valuation thereof, and shall unanimously desire the same or any part to be sold by the order of the court, the said court may order or decree the sale thereof without granting any rule to shew cause why the said estate or part thereof should not be sold, any practice to the contrary notwithstanding: and to remove doubts, all proceedings heretofore had, and decrees made in the Orphans' Court in pursuance of the act, entitled "A further supplement to the act entitled an act directing the descent of intestates real estate, and distribution of their personal estates and for other purposes therein mentioned," passed April second, one thousand eight hundred and four, or of the act which is hereby amended where notice has been given in the newspapers of the application for a partition or valuation or whereby the consent of the legal representatives a rule to shew cause has been waived, if otherwise legal, are hereby declared to be valid.

SECT. III. *And be it further enacted by the authority aforesaid,* That where the Orphans' Court of any county hath heretofore decreed or hereafter may decree a sale of an intestate's real estate or part thereof by the administrators, the said court is hereby authorized to require and take sufficient security from such administrators conditioned for the faithful execution of the power committed to them in making such sale, and truly to account for and pay over the

1808. } proceeds thereof in such manner as the said court shall legally decree.

Passed 26th March, 1808.—Recorded in Law Book No. XI. page 235.

CHAPTER MMDCCCCLXIX.

An ACT authorizing a review of the State Road leading from Blair's Gap, to the Western boundary Line of the State, so far as the same lies in Armstrong and Cambria counties.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the Courts of Quarter Sessions of Armstrong and Cambria counties respectively, be, and they are hereby authorized to appoint six disinterested and reputable freeholders, to view such part of the state road, laid out from Blair's Gap to the western boundary line of the state, which passes through the said counties respectively; and if upon the report of the said viewers, or any five of them, to the court by whom they were appointed, making any alteration in the route of the said road, the court should approve and confirm the same, a draft of the courses and distances of such alterations shall be filed in the office of the clerk of said court, and a duplicate thereof transmitted to the secretary of the commonwealth, and the said road so laid out shall thereafter be part of the state road aforesaid, and that part rendered unnecessary thereby shall be vacated; and the expence of the viewers shall be paid by warrants drawn by the commissioners on the treasury of Armstrong and Cambria counties, respectively.*

Passed 26th March, 1808.—Recorded in Law Book No. XI. page 238.

CHAPTER MMDCCCCLXXII.

An ACT for the further establishment and regulation of Election Districts.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the township of Belfast, in the county of Bedford, be, and the same is hereby erected into a separate election district, and the electors thereof shall hereafter hold their general elections at the house now occupied by Aaron Clevinger, in said township.*

SECT. II. *And be it further enacted by the authority aforesaid, That the townships of Rush and Lausanne, in the county of Northampton, be, and the same are hereby erected into a separate election district, and the electors of said township shall hereafter hold their general elections at the house now occupied by Elias Berlit in the said township of Lausanne.*

Court of Quarter Sessions of Armstrong and Cambria counties to appoint viewers to view certain parts of the state road, &c.

Report of the viewers. A draft of any alterations in the road to be filed in the clerk's office and a duplicate transmitted to the secretary of the commonwealth, &c.

Belfast township, in Bedford county, made an election district. Place of elections.

Rush and Lausanne townships, Northampton county, and place of elections.

1808.

SECT. III. *And be it further enacted by the authority aforesaid,* That the township of Harford, in the county of Luzerne, be, and the same is hereby erected into a separate election district, and the electors thereof shall hereafter hold their general elections at the house now occupied by Hosea Tiffeny, esquire, in the said township.

Harford township, Luzerne county and place of elections.

SECT. IV. *And be it further enacted by the authority aforesaid,* That all that part of Dublin township in the county of Bedford that lies within the Great Cove, beginning at the division line near the Narrows south of Christian Wagoner's, and from thence a west course to the Scrub Ridge Mountain so as to include Mathias Ambrosure's farm, be, and is hereby re-annexed to M'Connelstown election district, and the electors thereof shall hereafter hold their general elections at the house now occupied by Jacob Fore in M'Connelstown.

Part of Dublin township, in Bedford county, re-annexed to M'Connelstown election district.

The place of elections.

SECT. V. *And be it further enacted by the authority aforesaid,* That the township of Abington in the county of Luzerne, be, and the same is hereby erected into a separate election district, and the electors thereof shall hereafter hold their general elections at the house now occupied by Robert Stone in Abington, and to be called the Abington district.

Abington township, Luzerne county, and place of elections.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the township of Mountpleasant in the county of Washington, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Samuel Miller, innkeeper, in the town of Mountpleasant.

Mountpleasant township, Washington county, and place of elections.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the township of Bridgewater agreeably to the present boundary lines thereof in the county of Luzerne, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Edward Fuller, on the post road leading through said township.

Bridgewater township, Luzerne county, and place of elections.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the inhabitants of the seventh election district in the county of Northumberland, composed of the townships of Bloom and Brier creek shall hold their general elections at the house now occupied by David Whitmire in Brier creek township aforesaid.

Place of elections in the seventh district of Northumberland county.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the township of Canaan in the county of Wayne, be, and the same is hereby erected into a separate election district, and the electors thereof hereafter shall hold their general elections at the house now occupied by John Shaffer in said township.

Canaan township, in Wayne county, made an election district, and place of elections.

SECT. X. *And be it further enacted by the authority aforesaid,* That the township of Mifflin in the county of Allegheny, be, and the same is hereby erected into an election district, and the electors thereof shall hold their general elections at Reedsburgh as heretofore.

Mifflin township in Allegheny county, and place of elections.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the electors residing within the townships of Brookenstraw and Union, which compose district number ten, in the county of

Place of elections in district No. ten, in Erie county.

1808. Erie, shall hold their general elections at the house now occupied by William Carson in said district.

Place of elections in district No. 3.

SECT. XII. *And be it further enacted by the authority aforesaid,* That the electors of Fairview township, which compose district number three, in the county of Erie, shall hold their general elections at the house now occupied by Jonathan Barker in said district.

Place of election in Willingsborough district, Luzerne county.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the electors residing within the bounds of the district known by the name of the Willingsborough district, in the county of Luzerne, shall hold their general elections at the house now occupied by Josiah Stuart at the Great-Bend Ferry, in said district.

St. Clair township in Bedford county, made an election district. Place of elections.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That the township of St. Clair, in the county of Bedford, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Thomas Vickroy in the township aforesaid.

Part township, Lancaster county, and place of elections.

SECT. XV. *And be it further enacted by the authority aforesaid,* That the township of Bart, in the county of Lancaster, be, and the same is hereby erected into a separate election district, and the electors thereof shall hereafter hold their general elections at the house now occupied by Nathan Thompson, innkeeper, in said township.

Elk Lands township and part of Shrewsbury in Lycoming county made an election district.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That the whole of Elk-Lands township, and as much of the township of Shrewsbury as lyeth north of the summit of Allegheny mountain, in Lycoming county, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by William Molyneux, at the forks of Loyalsock creek.

Cliftsburg district in Lycoming county, erected, and place of elections.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That the following bounds in the county of Lycoming, beginning at the sixty-sixth mile-stone on the north line of the state, thence south to the north line of Burlington township, thence on said line westwardly to the east line of Tioga county, thence northerly on said line to the eighteenth mile-stone, thence east on the state line to the place of beginning, to be called the Cliftsburg district, and the electors thereof shall hold their general elections at the house now occupied by John Cummings.

The eleventh election district in Erie county, and place of elections.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That the township of Venango, in the county of Erie, be, and the same is hereby erected into a separate election district, to be called the eleventh election district, and the electors thereof shall hold their general elections at the house now occupied by John Yost in said township.

Washington district in Fayette county, and place of elections.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That the township of Washington, in the county of Fayette, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at a stone school-house on John Shreves' land.

SECT. XX. *And be it further enacted by the authority aforesaid,* 1808.
That the township of Solebury, in the county of Bucks, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by John Ruckman in said township.

Solebury district in Bucks county, and place of elections.

SECT. XXI. *And be it further enacted by the authority aforesaid,*
That the township of Indiana, in the county of Allegheny, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Henry Strome in said township.

Indiana district in Allegheny county, and place of elections.

SECT. XXII. *And be it further enacted by the authority aforesaid,*
That the township of Armstrong in the county of Indiana, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by David M'Collough in said township.

Armstrong district in Indiana county, and place of elections.

SECT. XXIII. *And be it further enacted by the authority aforesaid,*
That the township of Cambria, in the county of Cambria, shall hold their general elections at the court-house in the town of Ebensburg, the seat of justice for said county.

Place of elections in Cambria township, Cambria county.

SECT. XXIV. *And be it further enacted by the authority aforesaid,*
That the township of Allegheny in the county of Somerset, be and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Henry Imhoff at the foot of Allegheny mountain in said township.

Allegheny district in Somerset county, erected, and place of holding elections.

SECT. XXV. *And be it further enacted by the authority aforesaid,*
That the place of holding the general election in Conemough district in the county of Cambria shall be, and is hereby removed from the house of John Horner, junior, and the electors residing within the bounds of Conemough district aforesaid, shall hold their general elections at the house now occupied by John Grose-nickel.

Place of elections in Conemough district, Cambria county.

SECT. XXVI. *And be it further enacted by the authority aforesaid,*
That the township of Buffalo agreeably to the present boundary lines thereof in the county of Washington, be, and the same is hereby erected into a separate election district, and the electors thereof shall hereafter hold their general elections in the town of Brunswick in their usual house for holding their annual elections.

Buffaloe district in Washington county erected, and place of elections.

SECT. XXVII. *And be it further enacted by the authority aforesaid,*
That the townships of Beccaria and Bradford in the county of Clearfield, and all that part of Half-moon township which lyeth west of Allegheny mountain, be, and the same is hereby erected into a separate election district, and the electors residing within the above described bounds, shall hereafter hold their general elections at the house now occupied by John Gyerhart.

The townships of Beccaria and Bradford, and part of Halfmoon township in Clearfield county, made an election district, and place of elections.

SECT. XXVIII. *And be it further enacted by the authority aforesaid,*
That the township of Upper-Paxton in the county of Dauphin shall be divided into two election districts bounded as follow : Beginning on the summit of Berry's mountain, where the public road leading from the town of Halifax to Sunbury on the Halifax township line crosses said mountain at Rudolph Peter's gap ; thence

The township of upper Paxton in Dauphin county divided into two election districts.

1808.

Place of elections in the lower district. In the upper or new district.

along said road to the Lutheran St. John's church; thence in a direct line to the house of John Happle, esquire, on Mahantango mountain including the said house to the lower district, and from thence to Mahantango creek, and the electors of said lower district, shall hold their general elections at the house now occupied by Henry Mack, and the electors of the upper or new district shall hold their general elections at the house now occupied by Jacob Snyder.

Part of Bethel township in Dauphin county, and place of elections.

SECT. XXIX. *And be it further enacted by the authority aforesaid,* That all that part of Bethel township in the county of Dauphin as lies east of the road leading from Union Forge in a direction towards Stumpstown to the place where it crosses Red Run; from thence in a direct course to where the road leading from Jonestown in a direction towards Mayerstown crosses little Swatara creek; thence by said road to the intersection of the road leading from Stumpstown in a direction towards Lebanon; thence along the said Lebanon road to the Bethel and Lebanon township line, shall be erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Jacob Ruty in Stumpstown in the said township of Bethel.

Versailles township, Allegheny county, made a district, and place of elections.

SECT. XXX. *And be it further enacted by the authority aforesaid,* That the township of Versailles in the county of Allegheny, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by William Shaw, senior, in said township, and that the electors residing within the fractional part of Elizabeth township be restored to their former place of holding their general elections in Elizabethtown.

Potter district in Centre county, and place of elections.

SECT. XXXI. *And be it further enacted by the authority aforesaid,* That the township of Potter in the county of Centre, be, and the same is hereby erected into a separate election district, and the electors thereof shall hereafter hold their general elections at the house now occupied by John Benner in said township.

Ferguson district, and place of elections.

SECT. XXXII. *And be it further enacted by the authority aforesaid,* That Ferguson township in the county of Centre, be, and the same is hereby erected into a separate election district, and the electors thereof shall hereafter hold their general elections at the house now occupied by David Nicholson in said township.

Conewango district, Warren county, and place of elections.

SECT. XXXIII. *And be it further enacted by the authority aforesaid,* That the township of Conewango in the county of Warren, be, and the same is hereby erected into a separate election district, and the electors thereof shall hereafter hold their general elections at the house now occupied by Daniel Jackson in the town of Warren, and be called the second election district.

Venango county, and place of elections.

SECT. XXXIV. *And be it further enacted by the authority aforesaid,* That the township of Richland in the county of Venango, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Alexander McDonald in said township.

The township of New-London and London-Britton in Chester

SECT. XXXV. *And be it further enacted by the authority aforesaid,* That the township of New-London and London-Britton in the county of Chester, be, and the same is hereby erected into a separate

election district, and the electors thereof shall hold their general elections at the house now occupied by John Menough at New-London, Cross Roads. 1808.

SECT. XXXVI. *And be it further enacted by the authority aforesaid,* That the town of Wysox in the county of Luzerne, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Amos Mix in said township. ter county, made a district, &c. Wysox district in Luzerne county, and place of elections.

SECT. XXXVII. *And be it further enacted by the authority aforesaid,* That the township of Buckingham in the county of Wayne, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Samuel Preston, esquire, in said township. Buckingham district in Wayne county, and place of elections.

SECT. XXXVIII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the township of Bensalem in Bucks county, shall form an election district, and the electors thereof shall hold their general elections at the house now occupied by John Johnson in Bensalem township aforesaid. Bensalem district, Bucks county, and place of elections.

SECT. XXXIX. *And be it further enacted by the authority aforesaid,* That the bounds contained and described in the first section of the act, entitled "An act annexing part of Northumberland county to the county of Luzerne with this difference, that Nescopeck mountain be the boundary line instead of the creek, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by James Campbell in said bounds. A new election district erected in that of Northumberland county, lately annexed to Luzerne county.

SECT. XL. *And be it further enacted by the authority aforesaid,* That Pymatuning township in the county of Mercer shall be an election district, and the electors thereof shall hold their general elections at the house now occupied by Godfrey Kaerns in said township. Pymatuning district in Mercer county, and place of elections.

Passed 28th March, 1808.—Recorded in Law Book No. XI. page 240.

CHAPTER MMDCCCLXXIII.

A further SUPPLEMENT to the act, entitled "An act to alter the judiciary system of this commonwealth."

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the next May term, the courts of Common Pleas and Orphans' Court to be held in and for the county of Dauphin, shall be continued two weeks, subject to the provisions of the act to which this is a further supplement, passed the twenty-fourth day of February, one thousand eight hundred and six. The time for holding courts of common pleas and orphans' court.

SECT. II. *And be it further enacted by the authority aforesaid,* That the judges of the several courts of Common Pleas, in and for the counties of Delaware, Chester, Bucks, Montgomery, Northampton, Northumberland, Dauphin, Luzerne, Lycoming, Berks, Judges of the common pleas in certain counties to order that the trial of

1808. *issues in civil causes depending in said courts, shall commence at a certain day, &c.* Lancaster, York and Adams, or a majority of them, shall be, and they are hereby authorized and empowered at any term of the said courts respectively, preceding a term which is to continue two weeks, to make an order (to be entered of record) that the trial of issues in civil causes depending in the said courts respectively, shall commence during the first week of the next term, at a day to be fixed, in such order; and at the next term the trial of such issues shall commence at the day so appointed, or as soon thereafter as in the opinion of the judges the other business of the court will permit, and the petit jurors summoned for the trial of criminal cases, shall also be jurors in all civil cases, the trial of which shall be commenced as aforesaid, during the first week.

Passed 23th March, 1808.—Recorded in Law Book No. XI. page 244.

CHAPTER MMDCCCCLXXIV.

An ACT granting Robert Hunter an annuity for life. (f)

Passed 28th March, 1808.—Recorded in Law Book No. XI. page 245.

(f) Forty dollars granted. And an annuity of forty dollars commencing January 1st, 1808, payable half yearly to David Hunter of Westmoreland county, to be applied to the use of said Robert Hunter. (*Note to former edition.*)

CHAPTER MMDCCCCLXXV.

An ACT to authorize the sale of certain real estate, late the property of James Costiloe, and for other purposes therein mentioned. (g)

Passed 28th March, 1808.—Private act.—Recorded in Law Book No. XI. page 246.

(g) The executors of James Costiloe are directed to sell two lots of meadow ground, containing about twenty acres, situate on Boon's island in the county of Philadelphia, and vest the proceeds in other more productive property, &c. and to convey the estate so purchased to the trustees of St. Mary's church in Philadelphia, on the trusts declared in the will of the deceased. (*Note to former edition.*)

CHAPTER MMDCCCCLXXVI.

An ACT for annexing part of Northumberland county to the county of Luzerne.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all that part of Northumberland county lying north-east of a straight line from the mouth of Nescopeck creek, to the north-west corner of Berks county, shall be and the same is hereby annexed to Luzerne county.*

A certain part of Northumberland county annexed to Luzerne county.

SECT. II. *And be it further enacted by the authority aforesaid,* **1808.**
 That the authority and jurisdiction of the courts and of the civil officers of the county of Luzerne, shall be, and hereby are extended over the part so annexed to Luzerne county as aforesaid, as fully and effectually as if such part had been included in the county of Luzerne from its first erection; and the powers of the courts and of the civil officers of the county of Northumberland, shall from and after the passing of this act, cease in the part so annexed as aforesaid; except in the determination of suits (if any,) now pending in the said court so far as relates to that part so annexed as aforesaid; and all the taxes hereafter to be assessed in the part so annexed shall be paid into the treasury of Luzerne county, and the said part so annexed shall be under the like authority and control of the commissioners of Luzerne county, as the other parts of the said county are subject to.

The part so annexed to be under the authority and jurisdiction of the courts of Luzerne county, &c. Powers of the courts and of civil officers of Northumberland to cease.

SECT. 3. [Appointment of commissioners to run and mark the boundary line. Their allowance; (repealed, and other commissioners appointed by act of 18th March, 1811.)]

Passed 28th March, 1808.—Recorded in Law Book No. XI. page 246.

CHAPTER MMDCCCCLXXVII.

An ACT to continue an act, entitled “An act to provide for the inspection of ground black-oak bark, intended for exportation.” [Ante. p. 194.]

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the act, entitled “An act to provide for the inspection of ground black-oak bark intended for exportation,” passed the third day of April, one thousand eight hundred and four, and every matter therein contained, (except the limitation thereof,) be, and the same is hereby continued in force for and during the term of four years, and until the end of the session of the legislature then next ensuing and no longer.

Continuance of the former act for four years, &c.

Passed 28th March, 1808.—Recorded in Law Book No. XI. page 247.

CHAPTER MMDCCCCLXXX.

An ACT to afford immediate relief to Albright Weaver, a soldier, during the revolutionary war, and to grant him an annuity. (h)

Passed 28th March, 1808.—Recorded in Law Book No. XI. page 248.

(h) Forty dollars granted, and an annuity of forty dollars, commencing 1st January, 1808, payable yearly to John Dorsey of the city of Philadelphia, to be applied to the use of said Weaver. (Note to former edition.)

1808.

CHAPTER MMDCCCCLXXXI.

An ACT to repeal the act, entitled "An act to regulate fences and encourage the raising of Swine, and for other purposes," so far as respects the counties of Washington and Allegheny.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the first day of July next, all damages occasioned by horses, horned cattle or swine, trespassing through or within any inclosure within the counties of Washington and Allegheny, shall be determined by referees upon actual view, to be appointed, and such damages recovered agreeably to an act, entitled "A supplement to the act, entitled, "An act to extend the powers of the justices of the peace of this state,"* passed the first of March, one thousand seven hundred and ninety-nine, with the several supplements thereto.*

Proceedings for the recovery of damages occasioned by horses, horned cattle and swine, trespassing, &c.

[* Vol. 3, pa. 354.]

What shall be deemed a lawful fence.

SECT. II. *And be it further enacted by the authority aforesaid, That all fences shall be deemed lawful which are four and a half feet high, and if in the judgment of such referees, the fence or fences viewed by them shall be such, in other respects, as are generally constructed and deemed a sufficient fence within their respective township.*

Repeal of the former laws so far as respects the counties of Washington and Allegheny.
[† Vol. 2, pa. 96, and see vol. 1, pa. 15, (note).]

SECT. III. *And be it further enacted by the authority aforesaid, That from and after the first day of July next, the act, entitled "An act to regulate fences and to appoint appraisers in the counties of Bedford, Northumberland, Washington and Fayette, and to encourage the raising of swine,"† passed the twenty-seventh day of March, one thousand seven hundred and eighty-four, (except the repealing clause,) be, and the same is hereby repealed so far as the same respects the counties of Washington and Allegheny.*

Passed 28th March, 1808.—Recorded in Law Book No. XI. page 249.

CHAPTER MMDCCCCLXXXII.

An ACT to afford immediate relief to Michael Drury, a soldier in the revolutionary war, and to grant him an annuity. (i)

Passed 28th March, 1808.—Recorded in Law Book No. XI. page 249.

(i) Forty dollars granted to Michael Drury, and an annuity of forty dollars commencing January 1st, 1808, payable half yearly to Thomas Wilson of Somerset county, &c. for the use of said Drury. (Note to former edition.)

CHAPTER MMDCCCCLXXXIII.

A SUPPLEMENT to an act, entitled "An act securing to mechanics and others payment for their labour and materials in erecting any house or other building within the city and county of Philadelphia."

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That*

[Original act, ante. pa. 300.]

the act entitled "An act securing to mechanics and others, payment for their labour and materials, in erecting any house or other building within the city and county of Philadelphia," passed March seventeenth, one thousand eight hundred and six, shall be, and the same is hereby declared to be in full force and operation in the borough of Erie, in the county of Erie, the borough of Lancaster, in the county of Lancaster, and the borough of Pittsburgh, in the county of Allegheny; and mechanics and others in the said boroughs, respectively, shall have like remedy, under the said act, for securing the payment of their labour and materials, in erecting any house or other building within the said boroughs, respectively.

1808.
The benefits of the former law extended to the boroughs of Lancaster, Pittsburgh, and Erie.

SECT. II. *And be it further enacted by the authority aforesaid,* That in all cases of lien, created by this act or the act to which this is a supplement or the act passed the first day of April, anno Domini one thousand eight hundred and three, entitled "An act securing to mechanics and others payment for their labour and materials in erecting any house or other building within the city and county of Philadelphia," the person having a claim filed agreeably to their provisions, may at his election proceed to recover it, by personal action, according to the nature of the demand against the debtor, his executors or administrators, or by *scire facias* against the debtor and owner of the building, or their executors or administrators; and where the proceeding is by *scire facias*, the writ shall be served in like manner as a summons, upon the persons named therein, if they can be found within the county in which the building is situate, or are resident therein, or if they cannot be found and are not resident in such county, by fixing a copy of the writ upon the door of the building against which the claim is filed, and upon the return of service and failure of the defendants to appear, the court shall render judgment as in case of a summons, but if they or either of them appear, they may plead and make defence, and the like proceedings shall be had as in personal actions for the recovery of debts: *Provided*, That no judgment, rendered in any such *scire facias*, shall warrant the issuing an execution, except against the building or buildings upon which the lien existed, as aforesaid.

Mode of recovering monies under the liens created by this and the former act.

Passed 28th March, 1808.—Recorded in Law Book No. XI. page 250.

CHAPTER MMDCCCCLXXXIV.

An ACT supplementary to the penal laws of this commonwealth.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That no person who may hereafter be arraigned on an indictment, and who shall be bound by recognizance to abide the judgment of the court, shall be put within the prisoners' bar, to plead to the same, or be confined therein during his or her trial, but shall have an opportunity of a full and free communication with his or her counsel.

[See vol. 3, pa. 531, chap. 1503, and the notes thereto.] No person arraigned on an indictment and who shall be bound by recognizance, &c. shall be put within the prisoners' bar, &c.

Passed 28th March, 1808.—Recorded in Law Book No. XI. page 251.

1808.

CHAPTER MMDCCCLXXXV.

[Original
act, vol. 3,
pa. 592.]

A further SUPPLEMENT to the act, entitled "An ACT for raising County Rates and Levies."

Time when
the assessors
with the
county com-
missioners
are to fix up-
on some uni-
form stand-
ard, &c.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the assessors of the several wards in the city of Philadelphia, and the assessors of the several townships, incorporated boroughs and districts in this commonwealth shall, previous to every triennial assessment, meet at the office of the commissioners of their respective counties, on a day by them to be appointed, and a majority of such assessors present shall proceed with said commissioners to fix upon some uniform standard to ascertain the bona fide value of all property made taxable by an act of assembly, passed the eleventh day of April, one thousand seven hundred and ninety-nine, for raising county rates and levies, taking into consideration improvements, proximity to market and other advantages of situation, so that the same relative value of the aggregate amount of property may be observed as it respects wards, townships, incorporated boroughs and districts in the same county that is observed in the valuation of property in the same township.*

Mode of pro-
ceeding to
ascertain the
value of pro-
perty, ac-
cording to
standard.
Returns of
assessments
to be made,
when errors,
&c.

SECT. II. *And be it further enacted by the authority aforesaid, That the assessors and assistant assessors of the city and county of Philadelphia, and of the other counties in this commonwealth, shall proceed according to the standard previously agreed upon, and the directions of the act to which this is a further supplement to ascertain the bona fide value of all property made taxable thereby within their respective wards, townships, incorporated boroughs and districts, and after their assessments are completed, the assessors shall again meet at the office of the commissioners as before directed to make the returns of their several assessments, when they shall be allowed to point out errors or deviations from said standard in each others' returns, and the commissioners shall be authorized upon such appeal to correct any errors or deviations that may be proved to their satisfaction, after which the commissioners shall apportion the quotas of the county tax among the several wards, townships, incorporated boroughs and districts within their counties respectively, according to the aggregate amount of property in each: And in holding appeals it shall be the duty of the assessors to attend said appeals to prevent impositions being practised upon the commissioners by persons appealing.*

Commission-
ers shall ap-
portion the
quotas of the
county tax,
&c.
Assessors to
attend ap-
peals.

The supple-
ment and
part of the
original act
repealed.

SECT. III. *And be it further enacted by the authority aforesaid, That the supplement to the act to which this is a further supplement, and so much of the original act as is hereby altered and supplied, be and the same are hereby repealed.*

Passed 28th March, 1808.—Recorded in Law Book No. XI. page 251.

CHAPTER MMDCCCCLXXXVII.

1808.

A further SUPPLEMENT to the act entitled, "An act to regulate arbitrations and proceedings in courts of justice." [Original act, ante. pa. 326.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* in case of the non-attendance of a competent number of judges at the day appointed for holding a Court of Oyer and Terminer in the city of Philadelphia, or in any county of this commonwealth, or in case of any subsequent interruption of the business of such court by the sickness of any judge or judges or other cause, any one judge of the said court shall have power to adjourn and continue the said court from day to day as may be expedient, and any associate judge of the Court of Common Pleas in any county under the like circumstances, shall have power to adjourn and continue the courts of Common Pleas and Quarter Sessions. Any one judge empowered to adjourn and continue the court of Oyer and Terminer in certain cases.

SECT. II. *And be it further enacted by the authority aforesaid, That* awards of referees in any case, though not under seals of the arbitrators shall be, and are hereby declared to be good and available, and all awards of referees made in pursuance of the act to which this is a supplement, if not delivered to the party in whose favour it may be thirteen days before the then next term, shall be considered and proceeded upon as if made in term time. Like power given to any associate judge, &c.

SECT. III. *And be it further enacted by the authority aforesaid, That* the several courts of this commonwealth shall have power to enforce by attachment the payment of monies, had and received by any sheriff, coroner or attorney in his official capacity, and the delivery of all papers belonging to their clients. Courts empowered to enforce by attachment, the payment of monies, &c.

SECT. IV. *And be it further enacted by the authority aforesaid, That* the respective courts of Quarter Sessions shall have jurisdiction to enforce the act, entitled "An act for laying out, making and keeping in repair the public roads and highways within this commonwealth, and for laying out private roads,"* concurrent with the justices of the peace within this commonwealth, and the said courts shall have power in case of a vacancy in the office of constable by death or otherwise in any town, township or district, to appoint a constable or constables as often as occasion may require, to continue until the next election by the people. Power of the courts of quarter sessions to enforce the road law, &c. (* Vol. 3, pa. 512.)

Passed 28th March, 1808.—Recorded in Law Book No. XI. page 252.

CHAPTER MMDCCCCLXXXVIII.

An ACT repealing the first section of an act entitled, "An act supplementary to an act, entitled "An act that no public house or inn within this province be kept without license." [Vol. 1, pa. 137.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That*

1808. the first section of the act, entitled "A supplementary act to a law of this province, entitled "An act that no public house or inn within this province, be kept without license," passed the twenty-sixth day of August, anno Domini, one thousand seven hundred and twenty-one, be and the same is hereby repealed.

Repeal of a part of a former law.

Passed 28th March, 1808.—Recorded in Law Book No. XI. page 253.

CHAPTER MMDCCCCXC.

An ACT for the relief of Edward Cavanaugh. (k)

Passed 28th March, 1808.—Recorded in Law Book No. XI. page 254.

(k) Forty dollars granted to Edward Campbell of York county for the use of Cavanaugh, an old revolutionary soldier, and an annuity of forty dollars to be paid to and expended by Thomas said Cavanaugh. (Note to former edition.)

CHAPTER MMCCCCXCI.

A SUPPLEMENT to an act, entitled "An act for raising by way of lottery, the sum of six thousand dollars, for defraying the expenses of making an aqueduct to conduct water into the town of Meadville." (l)

Passed 28th March, 1808.—Private act.—Recorded in Law Book No. XI. page 254.

(l) See the original act, (ante. chap. 2843.)—By this act provision is made for supplying vacancies when any of the commissioners refuse to act. (Note to former edition.)

CHAPTER MMDCCCCXCII.

An ACT to approve the report of the commissioners appointed to explore and mark out a road, from the point where the Coshecton and Great Bend Turnpike passes through Moosic mountain, to the west line of the state, and for other purposes.

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the report made by Henry Donnel, George Haines and John Foster, and the report made by Samuel Dale, John Boyd and Francis King, commissioners appointed by the act of the fourth day of April, one thousand eight hundred and seven, to explore and mark out a road from the point where the Coshecton and Great Bend turnpike passes through Moosic mountain, to the west line of the state, laid before the present legislature by the governor, be, and the same are hereby declared to be approved: and that the commissioners and trustees of the respective counties and county dis-

The road which passes through Moosic mountain, &c. approved.

1808.

Persons to be appointed to open the same throughout of a width not less than 25 feet.

Courts of quarter sessions empowered to make alterations, &c.

A certain part of the road tax on unseated lands in the counties through which the said road passes, appropriated, &c.

Copies from the drafts and of this act to be transmitted &c.

How the accounts of the said road tax shall be kept and drawn for, &c.

tricts through which the reported road will pass, be, and they are hereby enjoined and required forthwith to appoint persons to open the same throughout the whole distance, of a width not less than twenty-five feet, conformably to the drafts accompanying the reports and the directions of the act of the fourth of April, one thousand eight hundred and seven : *Provided always nevertheless*, That the courts of Quarter Sessions of the counties of the county districts annexed, through which the said road passes, on application being made for that purpose, may appoint viewers, as in other cases, to view and examine such parts of the said road as are complained of ; and if on the report of the viewers, the court shall deem it proper, they are empowered to make such alteration in the course of the said road as shall appear to be for the public advantage ; and also, to direct the supervisors of said counties to open and keep said roads in repair.

SECT. II. *And be it further enacted by the authority aforesaid*, That one third part of the road tax on unseated land in the county of Luzerne, (to be taken from the money collected from the different townships, in such proportions as the county commissioners shall deem equitable ; the road tax on unseated lands in that part of Lycoming county that was detached from Luzerne by the act of April second, one thousand eight hundred and four ; the whole of the road tax on unseated lands in the county districts of Tioga, Potter and McKean ; one half the road tax on unseated land in Warren ; and the road tax on unseated lands in the county of Erie, derived from the townships through which the said road passes, be, and they are hereby appropriated for two years, to defray the expense of opening the said road, through the said counties and county districts respectively ; to be paid upon warrants drawn by the commissioners of the counties in favour of the persons* appointed to open the said road.

SECT. III. *And be it further enacted by the authority aforesaid*, That the secretary of the commonwealth be, and he is hereby required to cause copies of such parts of said drafts, as designate† the routes in and through the said counties and county districts, to be transmitted, together with a copy of this act, to the commissioners and trustees of the respective counties and county districts.

SECT. IV. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the several treasurers of the counties through which said roads may pass, to keep a separate account of all monies received by them, as road tax on the unseated lands in each respective township ; and on or before the first day of November, annually, furnish the board of commissioners with a statement of the amount, designating the sums received on the road assessments of each township ; and it shall be the duty of the respective boards of county commissioners to open accounts with and credit each township with the amount received for its use ; and on or before the first day of March, annually, draw orders on the county treasurer in favour of the respective supervisors then being,

* "person" in the original. † "designates" in the original.

1808. for the amount credited to their respective townships, charging the proper township with the amount so drawn.

Passed 28th March, 1808.—Recorded in Law Book No. XI. page 256.

CHAPTER MMDCCCCXCIII.

[Ante. pa.
337.]

A SUPPLEMENT to an act, entitled "An act to incorporate trustees for the Meadville academy, and to establish the same."

SECT. 1. [ANY eleven trustees of Meadville academy empowered to do all things which the quorum mentioned in the incorporating act might do. 2. The said law revived and declared to be in force as fully as if no lapse had taken place. 3. All powers and authorities vested in the trustees by any law or laws prior to the incorporating act, revoked and made void.]

Passed 28th March, 1808.—Recorded in Law Book No. XI. page 257.

CHAPTER MMDCCCCXCIV.

An ACT making appropriations to defray certain expenses of government. (m)

All powers
vested by
any law in
the commis-
sioners ap-
pointed un-
der the act
offering com-
pensation,
&c. suspend-
ed.

The commis-
sioners to de-
posit all
their re-
cords, books,
and papers,
&c.

SECT. III. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That immediately after the passing of this act, all powers vested by any law of this commonwealth in the commissioners, appointed under an act entitled "An act offering compensation to Pennsylvania claimants of certain lands, within the seventeen townships, in the county of Luzerne, and for other purposes therein mentioned," passed the fourth day of April, one thousand seven hundred and ninety-nine, and the several supplements thereto, shall be, and hereby are suspended; and all proceedings had under the supplement of the ninth of April last, shall be stayed and remain as they shall then be, except as to such Pennsylvania claimants, who have released under the said supplement, whose claims have been settled by the said commissioners, and granting patents to Connecticut settlers who have received their certificates; and said commissioners shall deposit all records, books and papers, that may have come into their hands relating to said commission, or that have been made out by their direction, in the office of the secretary of the land-office, on or before the fifteenth day of May next, and return all drafts of surveys, in their hands, made by their direction, or otherwise, to the office of the surveyor-general, on or before the fifteenth of May aforesaid; and it shall be, and hereby is made the duty of the se-*

(m.) The two first sections which merely provided for the current ex- ses of the government are obsolete. (Note to former edition.)

cretary of the land-office, and the surveyor-general, to make a report during the first week of the next session of the legislature, of the situation of the business of said commission, shewing what has been done, what remains to be done, and what will be the probable expense to the state. 1808.

The secretary of the land-office and surveyor-general, to report to the legislature.

Passed 28th March, 1808.—Recorded in Law Book No. XI. page 258.

CHAPTER MMDCCCCXCV.

An ACT granting an annuity to Jonathan Guy. (n)

Passed 28th March, 1808.—Recorded in Law Book No. XI. page 259.

(n) Forty dollars granted to Jonathan Guy, and an annuity of forty dollars, commencing January 1st, 1808, to be paid half-yearly to John Weber of Montgomery county, to be expended for the benefit of said Guy. (*Note to former edition.*)

CHAPTER MMDCCCCXCVI.

An ACT to alter a certain part of the line which divides the counties of Mercer and Crawford.

WHEREAS it has been represented to the legislature that inconveniences have been experienced by certain citizens of the counties of Mercer and Crawford, owing to the manner in which the line that divides the said counties was originally run, because it subjects the owners of the lands through which the said line was run, to pay county rates and levies to the county collectors of both counties, and also to be required by the respective supervisors of the public roads, to work on the same days in both counties: Therefore, for the remedy of such inconveniences in future,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the publication of this act, the certain part of the line which has hitherto divided the counties of Mercer and Crawford, be, and the same is hereby altered, and shall be established in the following manner, *to wit:* Beginning at the northwest corner of a certain tract of donation land, known by its No. 1078, situate on the north-west corner of a section of the fifth donation district, thence southwardly by a tract of land on which Joseph Burson now resides, one hundred and fifty-four perches to a birch-tree the south-east corner of the said tract, thence by the same westwardly to an ironwood-tree, the south-east corner of a tract of land on which Alexander Caldwell now resides, and thence on the same direction from the south-east corner of one tract to the south-east corner of the next, to the western boundary of the state, any thing in any other law to the contrary notwithstanding.

The line dividing the counties of Mercer and Crawford altered and established.

Passed 28th March, 1808.—Recorded in Law Book No. XI. page 260.

1808.

CHAPTER MMDCCCCXCVII.

An ACT for the relief of the trustees of the Northumberland academy.

SECT. 1. [TWO thousand dollars granted to the trustees of the Northumberland academy, payable out of the arrears of the loan-office money. The trustees to release all right to the money granted to them conditionally by the act of assembly of January twentieth, one thousand eight hundred and four.]

Passed 28th March, 1808.—Recorded in Law Book No. XI. page 261.

CHAPTER MMDCCCCXCVIII.

An ACT granting an annuity for the use of John Maloney. (o)

Passed 28th March, 1808.—Recorded in Law Book No. XI. page 261.

(o) Forty dollars granted, and an annuity of forty dollars payable to Samuel White of Lancaster, to be expended for the use of said Maloney. (*Note to former edition.*)

CHAPTER MMM.

An ACT making appropriations for the improvement of sundry state roads in this commonwealth.

Passed 28th March, 1808.—Obsolete.—Recorded in Law Book No. XI. page 263.

CHAPTER MMMI.

An ACT for the relief of John Cavenough. (p)

Passed 28th March, 1808.—Recorded in Law Book No. XI. page 265.

(p) Forty dollars granted to John Cavenough, and an annuity of forty dollars commencing 1st April, 1808, payable to Thomas Campbell, of York county, and to be expended for the use of said Cavenough. (*Note to former edition.*)

CHAPTER MMMII.

An ACT relating to the association of individuals for the purpose of banking.

(See a supplement to this act, passed 19th March, 1810. See vol. 2, pa. 556, note.)

Citizens hereafter associating for the purpose of banking, &c. shall be

[SECT. 1. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, 'That if any association of citizens or others shall hereafter be formed within this commonwealth for the purposes of banking or of borrowing or loaning money in any manner or upon any terms what-

ever, each and every person becoming a member of such association or interested therein by subscription, contribution, stock or agreement to participate in profit or otherwise, and his assigns shall be individually and personally liable for the debts and engagements of such association in like manner, and to the same extent, as if he, she or they had personally contracted such debt or made such engagement, any agreement of such association with their creditors or others, or any declaration by them in any manner made to the contrary notwithstanding: *Provided nevertheless,* That no member of any such association or person interested therein, shall be answerable for any debts contracted or engagements made after his interest in such association shall have ceased, but only for debts contracted or engagements made during the time his interest or that of those under and through whom he claims existed.]

1808.

individually
and personally
liable for
the debts,
&c.

Proviso.
(This section
repealed by
the 5th sec-
tion of an
act passed
20th March,
1810)

SECT. II. *And be it further enacted by the authority aforesaid,* That no company incorporated by the laws of any other of the United States shall be permitted to establish within this commonwealth any banking-house or office of discount and deposit, and all and every person or persons who shall in violation of this act be concerned in any such establishment, on conviction thereof in any court of justice within this state, shall for every such offence, forfeit and pay for the use of the same, the sum of two thousand dollars, and the private estates of such person or persons offending as aforesaid, shall be liable for the payment of such forfeiture.

No company
incorporated
by laws of
any other of
the United
States, shall
establish
within this
common-
wealth any
banking
houses, &c.
Penalty for
a breach of
this section.

Passed 28th March, 1808.—Recorded in Law Book No. XI. page 265.

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